The Sydney Morning Herald.

NO. 8168.—VOL. L. FRIDAY, AUGUST 12, 1864. PRICE THREEPENCE.

BIRTH.

On the 7th August, at Molong, Mrs. D. L. Dalziell, of the Bogan River, of a daughter.

DEATH.

On the 11th instant, at his residence, 49, Clarence-street, Sydney, after a long and painful illness, Joseph Carrier, formerly of Dover, Kent, England, aged 33 years.

SHIP ADVERTISEMENTS.

STEAM TO NELSON GOLD-FIELDS.—THE INTERCOLONIAL (NEW ZEALAND) ROYAL MAIL STEAMSHIP AUCKLAND, J. HAGLEY, Commander, will be dispatched for NELSON, PICTON, WELLINGTON, PORT COOPER, TARANAKI, and OTAGO, with the English mails, at noon, AUGUST 16TH.
Now loading.
For freight and passage apply at the Company's Office, Grafton Wharf.
JOHN VINE HALL, General Manager.
Shippers and passengers are requested to note there will not be a steamer on the 25th.

STEAM to AUCKLAND direct.—The Intercolonial (New Zealand) Royal Mail Steamship PRINCE ALFRED, G. FONSONBY, commander, will be dispatched with the English Mails MONDAY, AUGUST 15th, at 3 p.m.
Cargo received up to noon on Saturday.
For freight and passage apply at the Company's Office, Grafton Wharf.
JOHN VINE HALL, General Manager.

THE AUSTRALASIAN STEAM NAVIGATION COMPANY'S STEAMSHIPS
To MELBOURNE.—RANGATIRA, TO-MORROW AFTERNOON, SATURDAY, at 4.
Saloon, £5 10s.; steerage, £2 10s.
To ADELAIDE, via MELBOURNE, en route to KING GEORGE'S SOUND.—RANGATIRA, TO-MORROW AFTERNOON, SATURDAY, at 4.
To HUNTER RIVER.—COONANBARA, TO-MORROW NIGHT, SATURDAY, at 11; and COLLAROY, MONDAY MORNING, at 7.
To MANNING RIVER.—THANE, 24 hours after arrival.
To BRISBANE.—CITY OF BRISBANE (for passengers only), THIS AFTERNOON, FRIDAY, at 5.
Saloon, £2 5s.; steerage, £1.
To MARYBOROUGH direct.—EAGLE, WEDNESDAY AFTERNOON, at 5.
To ROCKHAMPTON.—BOOMERANG, WEDNESDAY AFTERNOON, at 5.
To PIONEER RIVER and PORT DENISON.—BOOMERANG will take cargo to be transhipped at Rockhampton per Diamantina.
From BRISBANE to IPSWICH.—The BRISBANE and the IPSWICH, daily.
From BRISBANE to ROCKHAMPTON direct.—WILLIAMS, about 16th instant.
From BRISBANE to ROCKHAMPTON, via MARYBOROUGH and GLADSTONE.—YARRA YARRA, about 23rd instant.
From ROCKHAMPTON to PIONEER RIVER and PORT DENISON.—DIAMANTINA, about 14th instant.
SAMUEL CLARK, Manager.
A. S. N. Co.'s Wharf, Sussex-street.

REDUCTION OF FARES AND FREIGHT TO BRISBANE, per A. S. N. Co.'s steamship CITY OF BRISBANE.
The A. S. N. Co.'s steamship CITY OF BRISBANE will leave for BRISBANE, THIS AFTERNOON, FRIDAY, at 5.
FARES:
Saloon, £2 5s.
Steerage, £1.
To prevent inconvenience to shippers, any goods shut out from this vessel will be received, and forwarded to their destination by this Company's first steamer at the freight charged to other shippers by same opportunity.
SAMUEL CLARK, Manager.
A. S. N. Co.'s Wharf, Sussex-street.

H. R. N. S. N. CO.—STEAM to the HUNTER.—THIS (FRIDAY) NIGHT, at 11, the MORPETH.
On MONDAY NIGHT, at 11, the MORPETH.
P. J. COHEN, Manager.
Offices, foot of Market-street.

STEAM to MELBOURNE WHARF direct.—The fast and powerful steamship YOU YANGS, W. H. SMITH, commander, will be dispatched in a few days.
Rates of passage: Cabin, £4 10s.; steerage, £2.
Apply on board at the Grafton Wharf; or to LAIDLEY, IRELAND, and CO., Lloyd's Chambers.

STEAM to HOBART TOWN, calling at TWOFOLD BAY, if inducement offers.—The steamship TASMANIA, JOHN CLINCH, commander, being now placed permanently in the trade between Hobart Town and this port, will sail from Walker's Wharf, Fort-street, at mid-day SATURDAY, 13th August.

Saloon	£8 0	(Eight pounds.)
Steerage	4 0	(Four pounds.)
Freight	1 10	(Thirty shillings.)

WILLIS, MERRY, and CO.

MANLY BEACH STEAMERS, DAILY.—Leave Circular Quay, at 10.15, 2.15, 5.30
Woolloomooloo .. 10.30, 2.30
Manly Beach .. 8.15, 12.0, 4.30.
Fares, 1s. each way. S. H. WILSON.

FOR the MORUYA RIVER.—The ORIENT, P. STEPHENS, master, is now receiving cargo.
JOHN RAYNER, Victoria Wharf.

FOR WOGONGA (Gulf Diggings).—Regular trader, PORPOISE. Freight payable in Sydney. Sails on SATURDAY.
H. MOON, Liverpool-street Saw Mills.

FOR SHOALHAVEN.—The CENTURION, on SATURDAY, from the Victoria Wharf.

FOR PORT MACQUARIE, HASTINGS RIVER, going up to BURSLEY.—The CARNATION, J. SMITH, master, the first fair wind.
O'DOWD and CO., Commercial Wharf.

FOR RICHMOND RIVER, going to CORAKI.—The STORM KING will receive cargo TO-MORROW, and sail on MONDAY EVENING, Wright's Wharf. W. WRIGHT.

FOR BRISBANE. The MARY SMITH, loading at Commercial Wharf.
The CORAKI, loading at Baltic Wharf.
The VIXEN, loading at Grafton Wharf.
MOLISON and BLACK.

ONLY VESSEL FOR ROCKHAMPTON.—The A1 clipper schooner ELLESMERE, R. E. ROBINSON, commander, has a large portion of her cargo engaged, and will be quickly dispatched.
For freight, &c., apply to LAIDLEY, IRELAND, and CO., Lloyd's Chambers.

FOR PORT DENISON and ROCKINGHAM BAY (if sufficient inducement offers), the A1 barque MARY NICHOLSON, MEREDITH, master, will be despatched in a few days.
For freight or passage, apply to R. TOWNS and CO.

TWOFOLD BAY and TATHRA (for BEGA).—The regular trader GIPSY sails first fair wind. Commercial Wharf. J. HARPUR and CO., agents, George-street.

CONSTANCE, for AUCKLAND.—Clears at the Customs THIS DAY. Shippers will please complete their shipments, pass entries, and forward bills of lading for signature. Has room for a few tons of light freight, for which, or passage,
Apply on board, at the Patent Slip Wharf; or to LAIDLEY, IRELAND, and CO., Lloyd's-chambers.

FIRST VESSEL for AUCKLAND.—The favourite regular trader NOVELTY, S. S. AUSTIN, commander, is now fast loading, and having a large portion of her cargo engaged, will be dispatched in a few days.
For freight or passage apply on board at the Patent Slip Wharf; or to LAIDLEY, IRELAND, and CO., Lloyd's Chambers.

ONLY VESSEL for TARANAKI.—The fine clipper schooner JANE LOCKHART, JOHN WILLING, master, is now fast loading at Campbell's Wharf, and will sail on SATURDAY, the 13th instant.
For freight or passage apply to MOLISON and BLACK, 17, Bridge-street.

FIRST SHIP for AUCKLAND.—The A1 regular trader DAY DAWN, PHILIP JONES, commander, will be prepared to receive cargo on FRIDAY MORNING, at Grafton Wharf, and have immediate dispatch.
For freight or passage apply to A. S. WEBSTER, Macquarie-place; or MOLISON and BLACK, Bridge-street.

FOR DUNEDIN WHARF, OTAGO.—The regular trader SUSANNAH BOOTH, JOHN L. CLULOW commander, is now fast loading at Campbell's Wharf, and will sail about Saturday next.
For freight or passage apply to MOLISON and BLACK, 17, Bridge-street.

ONLY VESSEL FOR WELLINGTON direct.—The A1 clipper brig, DART, G. CARPHIN, commander, will be quickly dispatched.
For freight or passage apply on board at the Grafton Wharf; or to LAIDLEY, IRELAND and CO., Lloyd's Chambers.

FOR FREIGHT or CHARTER, the first-class clipper Scotch built barque MARY MILLER, Captain Brown. Apply to ANDERSON, CAMPBELL, and CO., Commercial Wharf.

SHIP ADVERTISEMENTS.

ILLAWARRA S. N. COMPANY'S STEAMERS TO
WOLLONGONG.—Illalong, TO-NIGHT, at 11.
KIAMA.—Illalong, TO-NIGHT, at 11.
SHOALHAVEN.—Kiama (direct), TO-NIGHT, at 8; and Illalong, at 11.
ULLADULLA.—Kembla, on MONDAY, at 1 p.m.
CLYDE RIVER.—Kembla, on MONDAY, at 1 p.m.
TUROSS RIVER.—Steamer, on MONDAY, at 1 p.m.
MERIMBULA.—Hunter, on WEDNESDAY, at 10 a.m.
EDEN.—Hunter, on WEDNESDAY, at 10 a.m.
MORUYA.—Steamer, on THURSDAY, at 1 p.m.

FOR HONGKONG.—to sail 13th instant—the fine A1, 14 years, River-built ship NORTHFLEET, W. SYMINGTON, commander.
For freight or passage, having splendid accommodations for passengers, apply to MOLISON and BLACK, 17, Bridge-street.

TO SHIPPERS OF HORSES.—FOR CALCUTTA.—The fine clipper ship SANDRINGHAM, 1126 tons register, JAMES RIPPON, commander.
This vessel has fine roomy 'tween decks, thoroughly ventilated. WILLIS, MERRY, and CO.

FOR LONDON.—The new first-class clipper ship ADELAIDE BAKER, 809 tons register, JOHN BAKER, commander.
WILLIS, MERRY, and CO.
FREDERICK EBSWORTH.

FOR LONDON.—The first-class ship SCHAH JEHAN, ——, master, will be loaded with dispatch.
Apply to GILCHRIST, WATT, and CO.; or to R. TOWNS and CO.

FOR LONDON.—The new A1 steamship ALFORD, 700 tons, C. CHATFIELD, commander, is now receiving wool at Talbot's shed, and will have prompt dispatch for London November sales.
Apply to GILCHRIST, WATT, and CO., Margaret-street.

FOR LONDON direct.—For Passengers only.—The splendid A1 clipper ship WILLIAM DUTHIE, 968 tons register, DUTHIE PHILLIPS, commander, will positively sail on the 20th instant. Has still three cabins disengaged, for which early application is necessary. Carries an experienced surgeon.
Apply on board, at Circular Quay; or to JACOB L. MONTEFIORE.
8th August.

FOR LONDON.—Wool only.—The clipper barque JESSICA. YOUNG, LARK, and BENNETT.

SHIP MAID OF JUDAH, from LONDON.—Consignees per above vessel are requested to pass their ENTRIES for the Circular Quay without delay. Any goods impeding the discharge will be landed and stored at their expense and risk. Bills of lading must be produced and freight paid at the office of the undersigned, where delivery orders may be obtained.
(Signed) JACOB L. MONTEFIORE.

SHIP ROYAL ALBERT, from LONDON.—Consignees by this vessel are requested to pass entries at once for the Circular Quay. Any goods for which entries are not passed by FRIDAY, 12th instant, will be entered, landed, and stored at consignee's expense and risk. The ship will not be accountable for damage to or loss of cargo after being landed.
Bills of lading must be produced and freight paid to the undersigned before goods can leave the wharf.
YOUNG, LARK, and BENNETT, George and Margaret street.

STEAMSHIP YOU YANGS, from Melbourne.—This vessel is now discharging at the Grafton Wharf, from 7 a.m. to 5 p.m. Bills of lading must be produced, freights paid, orders obtained from the undersigned, and Customs ENTRIES passed before any goods can leave the wharf. All goods impeding discharge will be landed and stored at risk and expense of consignee. LAIDLEY, IRELAND, and CO., agents, Lloyd's Chambers.

TO CONSIGNEES per ship WILLIAM DUTHIE.—A CASE has been received addressed to the undersigned ex William Duthie, containing vulcanized india-rubber enemas instead of indiarubber pipes; some other consignee by the same vessel may have received the latter articles in place of their own, and would oblige by communicating with P. N. RUSSELL and CO., 442, George-street.

BELLAMBI COAL MINES.—These mines being re-opened, the Bellambi Company is prepared to load ships, either at Sydney or Bellambi, at the shortest notice, with the best hand-picked Steam Coal.
Agents, and captains of ships proceeding East are informed that the Bellambi coal command the highest price in all the Eastern markets, for steamers, for locomotives, and for smelting purposes, and that it has always the preference given it by her Majesty's ships of war.
Office, 14, Custom-house-buildings, Sydney.
N.B.—Charters to all parts of the world always offering.

COMMERCIAL BANKING COMPANY OF SYDNEY.—Notice is hereby given that a Special General MEETING of the Shareholders will be held at the Head Banking-house of the Company, in George-street, Sydney, on TUESDAY, the 23rd day of August instant, at noon precisely, to elect a director in the room of George King, Esq., who has retired by rotation.
By order of the Board of Directors,
ROBERT NAPIER, Manager.
Sydney, 1st August.

COMMERCIAL BANKING COMPANY OF SYDNEY.—Due notice has been given by Messrs. WALTER LAMB and JOHN SOLOMON, that they are candidates for election to the office of a director at the Special General Meeting of shareholders called for the 23rd instant.
ROBERT NAPIER, Manager.
Sydney, 9th August.

COMMERCIAL BANKING COMPANY OF SYDNEY, EASTERN BRANCH.—Notice is hereby given that a Branch of this Bank, for the convenience of the inhabitants of the localities of Paddington, Woolloomooloo, and other adjoining districts, is, THIS DAY, OPENED, at No. 148, South Head Road (North side) for the transaction of all usual banking business.
By order of the Board,
ROBERT NAPIER, Manager.
Sydney, 18th May, 1864.

NEW SOUTH WALES RIFLE ASSOCIATION.—INTERCOLONIAL MATCH.—The Seventh Match will take place at the Volunteer Range, on SATURDAY, the 13th instant, commencing at 12 o'clock (noon) precisely.
R. W. WARD, J. GRAFTON ROSS, Honorary Secretaries.

ST. LEONARDS VOLUNTEER RIFLES.—The Practices for selection of representatives at the Rifle Association Matches commence TO-MORROW, at 3 p.m.
H. BOND GARRETT, Captain.

NAVAL BRIGADE.—All hands to muster on Flag-staff Hill on SATURDAY next, the 13th instant, at 3 p.m., in uniform, with carbines and sword-bayonets. Band to attend.
FRANCIS HIXSON, Captain commanding.

VOLUNTEER ARTILLERY.—SHOT PRACTICE will be carried on from Dawes' Battery, on SATURDAY, 13th instant, at 3 p.m. Undress uniform without carbines or side-arms. This will be the Inspecting Field Officer's parade for the month. P. L. C. SHEPHERD, Captain, Assistant-Inspector Volunteer Artillery.

SYDNEY CO-OPERATIVE BAKING COMPANY.—A Special General MEETING of the Shareholders of the above company will be held, at the company's place of business, 54, Goulburn-street, THIS DAY, the 12th instant, at half-past 7 o'clock p.m., for the purpose of taking steps to legalise the company, and also to consider the conditions upon which new shares may be issued.
By order of the Board,
JOHN DODD, Manager.

PERMISSIVE LIQUOR LAW.—A Public MEETING, THIS EVENING, at the Ebenezer Chapel, Kingston, Newtown.

SCHOOL OF ARTS.—Debate THIS EVENING: "That the people should choose their own magistrates?" Commence at eight o'clock.

PHRENOLOGICAL INSTITUTE, 328, George-street.—Examinations daily by Mr. KELLEY; also, advice with regard to choice of occupation, management and education of children; memory, and intellectual improvement; matrimony, self-culture, and self-control; preservation of health, &c. Hours, 9 a.m. to 5 p.m., and 7 p.m. to 9 p.m.

PHRENOLOGY.—Examination with regard to character, training of children, profession or trade, and written description, from 1s.; ditto from writing or portraits (by post, enclose 13 penny stamps). Every young man or young woman ought to ascertain the true character of their friends or their intended husband. C. EDWARDS, 352, George-street, between King and Hunter streets.

GENERAL FLOOD RELIEF.—For the purpose of receiving articles of wearing apparel, &c., for the sufferers from the late floods, a room has been placed at the disposal of the Committee, next Mr. Caldwell's, in Pitt-street, where contributions will be received.
W. HANSON, Hon. Secretary.

READING FOR THE BUSH.—"Memoirs of Jane Cameron, a Female Convict." A reprint of this new and highly entertaining work will be found in the SYDNEY MAIL.

FAMILY READING.—The SYDNEY MAIL contains each week amusing and instructive Tales adapted for old and young people.

PERSONS ADVERTISED FOR.

A FRIEND of the late Captain LLOYD would be glad to know the residence of Miss E. CORDELIA TIGHE, governess, formerly of Leamington, Warwickshire. A parcel addressed to her is lying at Moore's Wharf.

CAROLINE PLOWRIGHT, native of Sydney, CALL at 663, Riley-street, you will hear of something to your advantage.

JOHN GALVIN, native of Bong Bong, N. S. W., who left the Oaks, in the district of Camden, about Christmas, 1863,—you are requested to WRITE to the undersigned, SAMUEL THOMAS, Lewis Ponds Creek, near Orange; or to your mother, MARY ANN WILDON, Spring Valley, Lake George.

MR. HADKINS, formerly with B. Benjamin, Esq., Goulburn,—Please forward your ADDRESS to ROBERT BROAD, postmaster, Cundletown, Manning River.

CONGREGATIONAL CHURCH, Cleveland-street, Redfern.—On SABBATH next, August 14th, Sermons will be preached in the above church in connection with the opening of the enlarged schoolroom.
In the morning, at 11 o'clock, by the Rev. John Graham.
In the afternoon, at 3 o'clock, by the Rev. W. Taylor, from California.
In the evening, at 7 o'clock, by the Rev. Mr. Bickford.
Collections after each service towards the expenses incurred. A TEA MEETING will be held in the schoolroom on TUESDAY, August 23.

BUSH MISSIONARY SOCIETY.—The Monthly PRAYER MEETING will be held THIS EVENING, at half-past seven o'clock, in the Reading-room of the Temperance Hall.

THE REV. WILLIAM TAYLOR, from California, will deliver his Fifth LECTURE (last of the series), in the Wesleyan Church, York-street, THIS EVENING commencing at 7.30. Subject:—"St. Paul and his times." William Love, Esq., M.L.A., will preside. Tickets, 2s. and 1s. each, may be had at the Wesleyan Book Depot, George-street.

MADAME SOHIER'S WAXWORK EXHIBITION,
Pitt-street, nearly opposite the Victoria Theatre, contains the following among many other figures:—

The ROYAL FAMILY.	JUDGMENT OF SOLOMON.
NAPOLEON III.	
The POPE.	Empress EUGENIE.
President LINCOLN.	GARIBALDI.
President DAVIS.	

Also, the striking tableau representing the conflict between GARDINER, and troopers MIDDLETON and HOSIE.
The murderer and ruffian MORGAN has just been added to the CHAMBER OF HORRORS.
Admission, 1s.; children, half-price.
Open from 10 a.m. till 10 p.m.

VICTORIA THEATRE.—THIS EVENING, August 12th.
A great bill for the BENEFIT of the inimitable BARLOW.
CAMPBELL MINSTRELS. BARLOW'S DRAWING-ROOM ENTERTAINMENT!
Two hundred copies of his laughable comic song, "The Ghost," in the following manner, viz.:—The first hundred to the pit and stalls, fifty to the dress circle, twenty-five to boxes, and twenty-five to the gallery.
CAMPBELL and BALTIMORE MINSTRELS.
BARLOW'S Versatile Negro Entertainment, introducing banjo, violin, pianoforte, kitchen bellows, gridiron, and his original imitation, the Railway Overture.
Song and dance, "In the rain" .... Billy Bent.
Silver Belt Jig.................. Dick Sandford.
MINSTRELS OF THE MOON.
Bah-Loh, How-Song, and George Chittenden, playing on real Chinese instruments.
To conclude with the great burlesque,
CARNIVAL D'AFRIQUE;
or, de Ball's a-going on.
On SATURDAY 13th instant, the only Mid-Day Performance.
HERR CUSHLA and Troupe in their celebrated Tableaux Vivans and Classical Groupings, MONDAY.

PRINCE OF WALES THEATRE.—Lessee and manager, Mr. JAMES SIMMONDS.
NOTICE.—In consequence of the great success of Goldsmith's comedy of
SHE STOOPS TO CONQUER,
and the favourite burlesque of
ALLADIN, THE WONDERFUL SCAMP,
they will be repeated every evening during this week.
Miss JOEY GOUGENHEIM as Miss HARDCASTLE and ALLADIN.
The performance THIS EVENING will commence with
SHE STOOPS TO CONQUER.

Mr. Bartlett	as Young Marlowe
Mr. G. H. Rogers	as Hardcastle
Mr. J. Simmonds	as Tony Lumpkin
Mr. J. P. Hyde	as Diggory
Mr. Welsh	as Sir Charles Marlowe
Mr. Daniels	as Roger
Mr. Little	as Thomas
Mr. Hogan	as Slang
Mr. Joyce	as Hastings
Mr. M'Lean	as Dick
Mr. Hasker	as Landlord
Mr. Page	as Jeremy
Mr. Lloyd	as Groom
Mrs. Crosby	as Mrs. Hardcastle
Miss Vernon	as Miss Neville
Miss JOEY GOUGENHEIM	as Miss Hardcastle
Miss Murphy	as Dolly

To conclude with the Grand Fairy Burlesque Extravaganza entitled
ALADDIN the Wonderful Scamp!
The Cham of Pekin! and the genii of the Magic Lamp, and slave of the Enchanted Ring.

Aladdin	Miss JOE GOUGENHEIM
Princess Badroulbadour	Miss Harriet Gordon
The widow Twankey	Mr. G. H. Rogers
Abanazar	Mr. Harry Jackson
The Sultan	Mr. J. J. Welsh
The Vizier	Mr. Hasker
Pekoe	Mrs. Crosby
Te-To-Tum	Mr. Hasker
Fe-Fi-Fum	Mr. Lloyd
Hing-Sing-Ki	Mr. Ramsden
Ching-Ring-Ate	Mr. M'Lean
Ching-Ring-Ate	Mr. Watts
Ski-Hi-Fi	Mr. Baker
Yang-tsi-To	Mr. Morrison
Fatt-Sa-Bum	Mr. White
Foo-Faddle-Ti	Mr. Elville
Chin-Cho-Pe	Mr. Riordon
The slave of the lamp	Mr. Hasker
The genius of the ring	Miss Williams

Scene 1st—Hand tea-room in the Sultan's Palace—The skipper and his boy—How the Sultan catches the Vizier on the hop, and how the Vizier has the Sultan on the hip.
Scene 2nd—A street in Pekin. Scene 3rd—JEWELLED CAVERN—The genius of the ring. Scene 4th—Aladdin's Cottage. Scene 5th—In the SULTAN'S PALACE.
Scene 6th—Exterior of the Palace. Scene 7th—Saloon in the Magic Palace—Web of despair, concluding with a MAGNIFICENT LAST SCENE.

During the evening the following Music by the Orchestra:—

Overture—Les Diamants de la Couronne	Auber
Waltz—Princess Alexandra	C. Coote
Waltz—Soldier's Farewell	C. D'Albert
Quadrille—Lily of Killarney	C. Coote
Quadrille—Attila	C. D'Albert
Galop—The Desert Flower	C. Coote

Dress circle, 5s.; stalls, 3s.; pit, 2s.; upper circle, 1s.; gallery, 6d.
Monthly transferable tickets, a guinea per month, entitling the holder to an admission every evening (benefits excepted) with permission to bring one or two friends at 2s. 6d. each.
Doors open at 7 o'clock, commencing at half-past 7.
Box office, open from 11 to 3.
Carriages may be ordered for a quarter-past 11.

PRINCE OF WALES THEATRE.—IN REHEARSAL,
and will be produced, on
MONDAY next, August 15th,
Shakespere's Comedy of
THE MERRY WIVES OF WINDSOR,
with new scenery, mechanical effects, dresses, properties, and the following UNRIVALLED CAST:—
MISS JOEY GOUGENHEIM
As Mrs. Page.
MISS ANNIE LOCKHART
As Mrs. Ford.
MR. ROGERS
As Falstaff.
MR. BURFORD
As Ford.
MR. BARTLETT
As Slender.
MR. JAMES SIMMONDS
As Dr. Caius.
MR. HARRY JACKSON
As Sir Hugh Evans.
MR. J. P. HYDE
As Page.
&c., &c., &c., &c., &c.
The above will be played for six consecutive nights, and seats may be secured for any of the above evenings.
Box office open from 11 to 3.

T. AND F. not forgotten.

No. 64-64. Town Clerk's Office, Sydney, August 9th.
TO MECHANICAL ENGINEERS.—A first-class Mechanical Engineer, who has been accustomed to working large engines, being required to take charge of the pumping engines at the Botany Water Works, applications from competent persons will be received at this Office until 12 o'clock on MONDAY, the 15th instant. Particulars as to duties, &c., may be obtained from the City Engineer.
CHAS. H. WOOLCOTT, Town Clerk.

TO BUILDERS.—TENDERS will be received until MONDAY, the 22nd August for the erection of a Dwelling House in Lower Fort-street. Plans and specifications with architect, F. H. REUSS, 134 Pitt-street.

TO BUILDERS.—TENDERS are required by SATURDAY, 13th of August, for the erection of STABLES and COACH-HOUSES, and a large quantity of Dwarf Walling with boarded fence on top. Plans and specification may be seen at Mr. HILLY'S Office, Pitt-st.

IN THE ESTATE of THOMAS BROWN, formerly of Muswellbrook and Goonal, in the district of Gwydir, deceased.
All persons having just CLAIMS against this estate, are requested to send in the same at once to Mr. THOMAS LOXTON, 273, George-street, Sydney, for immediate adjustment and payment.

IN THE ESTATE of THOMAS BROWN, formerly of Muswellbrook and of Goonal, in the district of Gwydir, deceased.
All CLAIMS against this estate, duly certified by Mr. Thomas Loxton, the administrator, will be paid on application at the office of the undersigned.
NORTON and BARKER, solicitors for the heir-at-law and sole next of kin, 4, Elizabeth-street, Sydney.

THE UNDERSIGNED, having retired from the firm of ASHDOWN and CO., has THIS DAY commenced business as Accountant, Arbitrator, and General Agent at No. 1, Lloyd's Chambers, George-street.
A. ASHDOWN.
Sydney, August 10th.

NOTICE is hereby given that application will be made to the Parliament of New South Wales, during the next session thereof, for leave to bring in a bill to enable the Australian Agricultural Company to sue and be sued in the name of such company, and for other purposes in the said bill expressed.
Dated at Sydney, this eleventh day of August, A.D. 1864.
BILLYARD and CURTIS, solicitors for the Australian Agricultural Company.

ADVICE GRATIS, daily, from 10 to 11, by a duly qualified Physician. 333, Pitt-st., near School of Arts.

CARTES DE VISITE, 1 for 4s., 2 for 5s., 4 for 7s. 6d., 6 for 10s., 12 for 18s. SCHROEDER, Haymarket.

CARTES DE VISITE.—Two, 5s.; four, 7s. 6d.; six, 10s.; twelve, 18s. J. T. GORUS, 101, King-street.

COLONIAL TWEED, superior quality and finish, manufactured by O. B. EBSWORTH, Steam Mills, Sussex-street.

CARTES DE VISITE, 2 for 5s., 4 for 7s. 6d.; 6 for 10s., 12 for 18s. BRUCE'S Portrait Gallery, 215, Lower George-street.

COMBIE and BURT, Importers and Commission Agents, Queen-street, Auckland.

DR. BELL, 2, JAMISON-STREET.

ENAMELLED SLATE BATHS. Hot and Cold Shower Baths. ADGER'S New Hair-Cutting Rooms, 313, George-street.

GEORGE FOX and CO., Carriers, 479, George-street.
SCALE OF CHARGES.
To be paid on all goods received at this office.
Packages of ½ cwt. and under .. 0s. 6d.
" 2 " " .. 1s. 0d.
" 10 " " .. 0s. 6d. per cwt.
Larger packages, as per agreement.
Sydney, August 1st, 1864.

GOOD PASTURE for Horses and Cattle—ironbark fencing. A. BELL, Rooty Hill; S. HEBBLEWHITE, Pitt-street.

GRATUITOUS VACCINATION.—Dr. BELL will vaccinate children at the Oddfellows' Institute, Sussex-street, every FRIDAY and TUESDAY, from 3 to 4 p.m.

LUNCHEON ROOMS, Liverpool Arms, Pitt and King streets. CHILLINGSWORTH (late of the R. M. Company), intimates to the public that he has succeeded in securing the use of the rooms at the above establishment. The usual and varied bill of fare daily. Counter lunch as usual. Hours 12 to 3.

NOTICE.—J. F. M'DONALD, 636, George-street, will CLOSE on SATURDAYS at 1 p.m.

NOTICE OF REMOVAL.—KEEP and PARSONS from 99, York-street, to 393, 395, and 397, George-street, opposite Royal Hotel.

REMOVAL.—Mrs. MARTIN from Hyde Park House to Nunnington House, Phillip-street, near Treasury.

REMOVAL.—The Office of A. and E. A. LEVY, from 303, George-street, to their Stores, Wynyard-lane.

SYDNEY CARPET BEATING GROUNDS, Rushcutter's Bay. ARTLETT and SON, upholsterers.

W. T. GRIFFITHS, Practical Watch and Clock Maker, 6, Hunter-street, three doors from George-street.—Every description of chronometer, duplex, and other watches accurately repaired and adjusted.

ADVANCES from £10 to £100, on good personal security and on freehold security at 8 per cent. Apply to HICHENS GEDYE and CO., money brokers, 333, Pitt-street, next School of Arts.

NOTICE.—BISHOPSCOURT, WAVERLEY.—All LETTERS for the Bishop of Sydney, or Mrs. BARKER should be addressed as above.

NOTICE.—Persons who have applied for the SITUATION of BOOKKEEPER, required by M. S., are informed that some unscrupulous party has taken their letters from the HERALD Office. Apply again.

IF all LUGGAGE left by Boarders at HEAP'S DIGGERS' CLUB during his (Heap's) proprietorship be not RECLAIMED in 14 days from this date, they will be sold to defray expenses. JOHN HEAP.

NOTICE.—Followed us home, a young full grown Kangaroo DOG. Mr KINGS, baker, Market-street.

FOUND, in Macquarie-street, a small BOX. Apply to Mrs. PRITCHARD, Lands' Survey Office.

LOST, a Small French Poodle DOG. Answers to the name of "Snow." Any one returning it to Petty's Hotel will be rewarded.

LOST, a MEERSCHAUM PIPE, Silver-mounted. A liberal reward will be given if left at the Glasgow and Aberdeen Boarding House, King-street, near York-street.

MISSED, since Monday last, the 8th instant, from Montrose Cottage, St. Leonards, North Shore, the residence of Mr. Napier, a DOG, black and white marked, of the Newfoundland species; by name "Neptune." A reward will be given upon the dog's restoration.

STOLEN, on Tuesday night, from Woolloomooloo Bay, a green painted DINGY, name on the stern "Agenorian." Ten shillings will be given on restoration to Mr. SHEEHY, Woolloomooloo Bay.

STOLEN or STRAYED, a small redish-brown DOG. Any one bringing him to MOSES' Family Hotel, Park and Castlereagh streets, will be rewarded. If detained after this notice will be prosecuted.

REWARD.—LOST, Black and White Newfoundland DOG, and Chain; name "Nero." J. APTED, 99, South Head Road.

TEN SHILLINGS REWARD.—LOST, from 13, Bligh-street, on Tuesday afternoon, a Black NEWFOUNDLAND PUP; white on chest, very thin.

£10 REWARD.—LOST, from Dunheved Estate, about the first week in July last—supposed to be stolen, one Red BULLOCK with white back, branded B on off rump; also, a small red and white milch COW, branded like H on rump. If stolen, a reward of £10 will be paid on conviction of the thief or thieves; or, if strayed, £1 will be paid for such information as may lead to their recovery.
J. KING LETHBRIDGE.
Dunheved, Penrith, August 9th, 1864.

PUBLIC NOTICE.—Large Spanish Fruited Chestnut Trees, Flowering Shrubs, Fruit Trees, &c., from Mr. M. Magill's Nursery, Surry Hills, for Private SALE, at the Auction Rooms of Mr. JOHN SOLOMON, 309, George-street, THIS DAY, and SATURDAY.

BREAD made by machinery, noted for its superior quality and purity. A. SHADLER, 69, Hunter-st.

AUSTRALIAN Gas Company's SHARES for SALE. GEORGE STABLER, 105, Kent-street North.

FITZROY MINING COMPANY.—Twelve £10 Shares for Sale; price, £96. B., School of Arts.

COLZA OIL, small casks, Kerosene Oil; Coarse, Fine, and Rock Salt; Oaten Hay. Wright's Wharf. W. WRIGHT.

GALVANIZED Corrugated Iron, Galvanized Plain Iron, Tupper's G, Tin Plates. Wright's Wharf. W. WRIGHT.

BELL'S LIFE, TO-MORROW, Saturday, August 13th:—
"The Wheedling Widow" (continued)
"Bell's" Bowl of Rum Punch
Great Prize Fight in America
Parkeennery's Lecture (concluded)
Entrances for Randwick
Fun of the Week, English Sporting News, &c.
Advertisements received till 8 THIS EVENING.

SYDNEY PUNCH will be published at NINE o'clock THIS DAY (Friday), August 12th.
A ROLL-UP AMONG THE DIGGERS,
or
A Scene at Adelong.

SYDNEY PUNCH.—See PUNCH,
THIS DAY, Friday.
A ROLL-UP AMONG THE DIGGERS,
or
A Scene at Adelong.

PUNCH will be ready at NINE, THIS DAY, Friday, August 12th.
A SCENE AT ADELONG,
or
A Roll-up among the Diggers.

CHAMBERS' EDUCATIONAL COURSE.—Practical Mathematics and Key, 2 vols., 10s; Algebra and Key, 2 vols., 7s; Mathematical Tables, 3s 6d; Chemistry, 3s 6d; Commercial Tables, 3s 6d; Principles of Elocution, 4s; Geography, 3s 6d; Bookkeeping, 2s; Introduction to Arithmetic, 1s 6d; Geographical Primer, 1s; Introduction to English Grammar, 1s; English Grammar, 2s; Electricity, 1s 6d; Moral Class Book, 2s; History of Greece, 3s; Primer Atlas and Maps, 3s 6d; Minor Atlas, 15 maps, 6s 6d; German Grammar, 4s 6d; Latin Grammar, 4s; Curtius, 4s; Sallust, 2s 6d; Nepos, 3s; Livy, 4s 6d; Cicero, 4s; Horace, 4s; Ovid, 4s.
Price of either of the above can be remitted in two-penny postage stamps, with 6d additional for postage on each volume.
W. R. PIDDINGTON, importer.

PIANOS and HARMONIUMS for Sale or Hire. W. H. PALING, 83, Wynyard-square.

NEW MUSIC, at ONE-THIRD under the published prices. W. H. PALING, 83, Wynyard-square.

GOSNELL'S Aromatic Eau de Cologne, a fresh supply. M'MAHON, next City Bank.

BLOOM OF ROSES for the complexion. M'MAHON, 410, George-street, next City Bank.

TURKISH Smokers' Pastiles. Otto of Rose Lip Salve, Cold Cream. M'MAHON'S Perfumery Warehouse.

CHOICE PERFUMES.—Ede's Heydeosmia, Hannay's Rondeletia, Patchouli, Jockey Club, Opera Bouquet, Wood Violet, Torquin, Musk, Kiss-me-quick, Bouquet de Caroline, Rondeletia Millefleur, La Duchesse, Mousseline, &c., if taken by the half-dozen will be charged at wholesale prices. M'MAHON, next City Bank.

GOSNELL'S Cherry Tooth Paste, a fresh supply just received. M'MAHON'S Perfumery Warehouse.

CHOICE SCENTED SOAP.—The treble scented old Windsor, Cold Cream, Violet, Otto of Rose, Millefleur, Frangipani, Glycerine. M'MAHON'S Perfumery Warehouse, next City Bank.

LADIES' BACK COMBS.—A choice assortment, in real tortoiseshell, French horn, gilt, jet, and patent jet. S. H. LEWIS, French Glove Depot, 10, Hunter-street.

LADIES' KID BELTS, steel spangled, Alexandra shape, opened this day. S. H. LEWIS, 10, Hunter-st.

GOLDEN SHERRY, 27s. 6d., 36s., 42s., per dozen. J. B. NORTH, next Bank of New South Wales.

OFFLEY'S PORT, 30s., 36s., 42s., 50s. per dozen. J. B. NORTH, Wynyard-street.

SEVEN YEARS' OLD PALE BRANDY.—Hennessy's best Battle-Axe brand, at 55s. per dozen, or 25s. per gallon.
J. B. NORTH, next Bank of New South Wales.

ADELAIDE WHEAT.—Prime sample for SALE. H. H. BEAUCHAMP, 14, Barrack-street.

ADELAIDE FLOUR.—Hart's, and other best brands. H. H. BEAUCHAMP, 14, Barrack-street.

ADELAIDE BRAN, Lucerne Seed, Seed Oats, for SALE. H. H. BEAUCHAMP, 14, Barrack-street.

BONNOIT'S Brandy—hogsheads, quarters, cases—for SALE. H. H. BEAUCHAMP, 14, Barrack-street.

AMERICAN TUBS, Axe-handles, Pumps, Dried Apples, &c. H. H. BEAUCHAMP, 14, Barrack-st.

BOILED and Raw Oil, Colza Oil, Turpentine, for SALE. H. H. BEAUCHAMP, 14, Barrack-street.

WINDOW GLASS.—1000 boxes sorted, 10 x 8 to 60 x 36 inches. H. H. BEAUCHAMP, 14, Barrack-st.

MUNTZ'S YELLOW METAL, 14, 16, 18, 20, 22, 24, and 26 ounce; also, Rods, Spikes, and Nails, Felt, Red Lead, Stockholm Pitch and Tar, Oils, &c., for SALE. H. H. BEAUCHAMP, 14, Barrack-street.

REVOLVERS.—Tranter's and other Revolvers, large, medium, small and pocket size, in cases, with fittings complete, at reduced wholesale prices; ammunition for same. 326, George-street. F. GARLAND MYLREA.

TABLE RICE.—Finest mill-dressed transparent Indramayoe Rice, similar to Carolina just landed, for SALE. Sample at offices, 326, George-street.
F. GARLAND MYLREA.

RICE.—Finest dressed Moulmein table rice, just landed, for SALE by F. GARLAND MYLREA.

PATNA RICE—NEW, at reduced price.—50 tons, to Land, for Sale. F. GARLAND MYLREA.

CALIFORNIA FLOUR, in lots to suit the trade, at lowest market price. F. GARLAND MYLREA.

SCENTED Orange Pekoe.—Some of the finest sample left for SALE by F. GARLAND MYLREA.

GENEVA.—1000 cases key brand, good contents, &c., for SALE by F. GARLAND MYLREA.

ACCOUNTANT wanted. Apply by letter only to L. A. C., No. 143, Pitt-street.

A YOUTH, having his evenings disengaged, wishes to receive LESSONS in Book-keeping, Short-hand Writing, and Arithmetic; state terms. T. W., Post Office, Surry Hills.

BOOKKEEPER.—Wanted, for a wholesale grocers' establishment, a Person competent to keep books by double entry. Apply M. S., HERALD Office.

COOK and LAUNDRESS.—Wanted, for a small family, a respectable person, as COOK and LAUNDRESS; one who can make butter preferred. Apply to Mrs. JOHN E. MANNING, Edgecliff Road.

DRAPERS.—Wanted, two good HANDS. Wynyard House.

EMPLOYMENT Wanted, as Packer and Storeman, by a Man who well understands his business; good references. Please address STOREMAN, HERALD Office.

LOADING FOR

Bathurst	Tambaroora
Billibong	Forbes
Lambing Flat	Wagga Wagga
Tumut	Goulburn.

CHURCH, BROTHERS, 74 and 76, Clarence-street.

MANTLE-MAKERS.—Wanted, Improvers' APPRENTICE. Rose Cottage, Raglan-street, South Sydney.

NOTICE.—Good Cooks, Laundresses, Nursemaids, Needlewomen, General Servants, for ENGAGEMENT. HOME, Darlinghurst.

PAINTER WANTED. Apply to S. S. GOOLD, 25, Botany-street.

TO BRICKLAYERS.—Wanted, a MAN, to build a chimney. T. DAVIES, 448, George-street.

TO SQUATTERS.—Wanted, a SITUATION on a Cattle or Sheep Station by a young man; has had two years' experience in Victoria; salary no object. Address J. K. J., HERALD Office.

TO GROCERS, STOREKEEPERS, &c.—A young man, with good introductions, brought up to the Grocery business in London, is desirous of obtaining a SITUATION either in the city or country. Please address T. C. G., HERALD Office.

THE AUSTRALASIAN STEAM NAVIGATION COMPANY.—NOTICE.—The APPOINTMENT to the office of SECRETARY and CASHIER to the above Company being about to become vacant by the retirement of their present Secretary (Mr. Gollan), the Board invite APPLICATIONS for the office, to be sent in not later than noon of THURSDAY, 11th August.
For information as to salary and nature of duties, application to be made to the undersigned between 11 and 12 in the morning.
SAMUEL CLARK, Manager.
A. S. N. Co.'s Wharf, Sussex-street.

WANTED, a respectable Man as BUTLER. Apply to E. WYLD, Spring-street.

WANTED, second-hand TROUSERS, all sorts. W. BAYNES, 267, Kent-street, near Erskine-st.

WANTED, a good General SERVANT. 371, Crown-street, near the Reservoir, Surry Hills.

WANTED, a BOY, about 16, to make himself useful. CROSS, milkman, O'Neil's-buildings, Miller's Pt.

WANTED, a General SERVANT. Apply to Mrs. PATON, Old White Swan, Lower George-street.

WANTED, immediately, a Boatload of TREENAILS. Apply to GILCHRIST, WATT, and CO.

WANTED, a strong BOY, used to horses. LENEHAN, BROTHERS, Market-street.

WANTED, a COOK, at No. 123, Kent-street North, Sharp.

WANTED, a good General SERVANT. Apply 188, Prince-street, Church-hill.

WANTED, a Female General SERVANT. 92, William-street.

WANTED, a BOY, to make himself generally useful, at J. BATTLEY'S, 160, Castlereagh-st. North.

WANTED, a clean active GIRL, as General Servant, at Cleveland House, Cleveland Paddocks.

WANTED, an IRONMONGER, to proceed to Rockhampton. Apply to F. LASSETTER, George-st.

WANTED, a COSSACK CLOSER, highest wages. MERRICK, 77, William-street.

WANTED, to purchase a good weight-carrying COB. GIBSON'S Horse Agency Depot, 253, Castlereagh-st.

WANTED, a MAN used to the kitchen. Garibaldi Dining Rooms, King-street.

WANTED, a young GIRL, about 16 or 17. Apply 267, Clarence-street.

WANTED, PREMISES for Lodge Rooms, between Hunter and Bathurst streets. Apply to D. M'BEATH, architect, 149, Castlereagh-street.

WANTED, a General SERVANT. Apply Royal Sovereign Hotel, Liverpool-street, Darlinghurst. Good references required.

WANTED, a respectable young Woman, as WAITRESS. BARRY'S Dining Rooms, 474, George-street.

WANTED, the address, or any information of Mrs. AMELIA HALLETT. Address F. R. S., Post-office, Newtown.

WANTED, a BOY, to ride out with meat and collect orders. Apply to PATRICK KENNEDY, butcher, Mount-street, Pyrmont.

WANTED, a respectable WOMAN, as COOK and LAUNDRESS—one capable of filling the situation. Apply to Mrs A. DICK, Hesketh, Darlinghurst.

WANTED, for the country, a young MAN, to undertake the management of the slop department. Apply to C. NEWTON, BROTHER, and CO.

WANTED, a BOY, to assist in the bakehouse and serve a few customers. Apply at 9 o'clock. E. M'HUGH, baker, Rose-street, Shepherd's Paddock.

WANTED, a LAD, to look after a horse, and make himself generally useful. Apply at 22, Potts' Point, between 10 and 11 in the morning.

WANTED, good Crimean Shirt FINISHERS. Apply 37, Botany Road, Chippendale, next Terminus Hotel.

WANTED, General SERVANT; must be a good laundress. Mrs. ROBERTS, next Railway Bridge, Newtown.

WANTED, by a Scotch person, a SITUATION as Cook and Laundress or General Servant. Address W. R., HERALD Office.

WANTED, a Party to invest £30 in a favourable speculation. Apply this day, personally, at TOOGOOD'S Hotel, Pitt-street, between the hours of 11 and 1 o'clock.

WANTED, by a respectable young Person, EMPLOYMENT to work Singer's, Thomas's, Wheeler and Wilson's, and Wilcox's SEWING MACHINES. Apply 6, Payne's-buildings, Phillip-street.

WANTED, in Sydney or suburbs, a plainly furnished PARLOUR, with three or more unfurnished ROOMS, centrally situated; neighbourhood of railway preferred. Address EDGAR, HERALD Office.

WANTED, in a small family, a thorough General SERVANT, who is a good laundress (Protestant), references required. Apply, after 10, to Mrs. ADAMS, Upper Liverpool-street, Darlinghurst.

WANTED, by a domesticated young Lady, of superior accomplishments, a PARTNER for LIFE. None but drapers need apply. Address CLOTILDE, HERALD Office.

WANTED, a NURSE, for a small family, who thoroughly understands needlework; good references required. Apply Matron at the Immigration Depot between 11 and 1 o'clock.

WANTED, a MARRIED COUPLE, without incumbrance; the Man to act as Groom, and his Wife as Cook. To competent persons liberal wages will be given. L. UHDE and CO., 63, King-street West.

WANTED, to rent or purchase a COTTAGE, with orchard or garden, in the neighbourhood of Sydney, approachable by rail, 'bus, or steamer. Apply M. M. C., care of Mr. Paling, 83, Wynyard-square.

WANTED, by a Lady and Gentleman, SITTING and BEDROOMS, with private board, either at North Shore or Balmain. Address, stating terms, ALPHA, Post Office.

£200 WANTED, to BORROW, on good freehold; title unquestionable. M. B., HERALD Office.

A LARGE airy BEDROOM Vacant, at Mrs. WEBSTER'S, corner of Margaret-street, Wynyard-sq.

A GENTLEMAN requiring a Bedroom, with partial board, can be accommodated at 8, Wynyard-square.

A VACANCY for BOARD and RESIDENCE, 4 and 6, Bligh-street.

A QUIET HOME for a Gentleman or two friends. Cards at Mr. HUGHES, grocer, William-street.

A COMFORTABLE Furnished BEDROOM to LET, in a private family. Apply 94, Forbes-street.

APARTMENTS vacant, at Mrs. CLINTON'S, 92, Hunter-street.

APARTMENTS or Suites vacant, at 205, Horbury-terrace, Macquarie-street.

A COMFORTABLE HOME for one or two respectable men, at 45, Liverpool-street East.

APARTMENTS.—Two Single Gentlemen can have respectable Board and Lodging. Apply 221, Pitt-street North.

COMFORTABLE BOARD and RESIDENCE, 127, Prince-street. An English home. Terms £1.

FURNISHED APARTMENTS Wanted, (with or without Board) for a lady and gentleman. Apply, stating terms, to M. B., HERALD Office.

FAMILIES and GENTLEMEN visiting Sydney will find good accommodation at MOSES' Family Hotel, Park-street.

LARGE STORE Wanted, for soft goods; rent not exceeding £100. H. GEDYE, 333, Pitt-street.

OFFICES to LET, 324, George-street, opposite Money Order Office, near Hunter-street.

STORES and OFFICES to LET, Macquarie-place, Circular Quay. LENNON and CAPE, 136, Pitt-st.

SUITES of APARTMENTS VACANT, at Mrs. BRADY'S, St. Kilda House, Woolloomooloo-st.

TO LET, the STORE, No. 44, Pitt-street North. Apply to J. F. HILLY, Esq.

TO LET, delightfully situated, HOUSE, Paddington, 7 rooms and out-offices. C. BATE, 141, Pitt-street.

TO LET, a HOUSE, 7 rooms, kitchen, Elizabeth-street South. Apply to JOICE, 94.

TO LET, convenient HOUSE, 6 rooms, hall, back entrance, water. 379, Elizabeth-street South.

TO LET, an Unfurnished ROOM. Apply 162, Crown-street, Woolloomooloo, near Stanley-street.

TO LET, for three years, a HOUSE, 5 acres and 3 roods of land, opposite the Halfway House, Botany. Apply on the premises; or Britannia Hotel, Paddington.

TO LET, 234, Pitt-street, near Market-street, lately occupied by Mr. Dolman. Apply to Mr. MULLENS, Labour Bazaar.

TO LET, a HOUSE, 4 rooms and kitchen, 1, Wellington-place, Darlinghurst. Mr. HAIGH, 221, Pitt-street North.

TO LET, a splendid DAIRY FARM; with never-failing supply of water and grass; situate within five miles of Clarence Town. For further particulars apply to W. H. HOLMES, Market and Sussex streets.

TO LET, that first-class Family RESIDENCE in Wynyard-square, opposite Cohen's Hotel, containing fourteen apartments, bath-room, and every convenience for a large family. Apply to Mr. LAZARUS, on the premises.

TO LET, the WHITE HART HOTEL, Windsor Road, and 80 Acres of LAND (40 under cultivation); rent only £1 per week. License, crops, and furniture enough for occupation may be had for £150. Apply on the premises, or to Mr. KENNEDY, Parramatta.

WAVERLEY.—BOARD and RESIDENCE is offered to a single gentleman in the house of a respectable family, on moderate terms. Omnibuses pass every 15 minutes. Address C. D., HERALD Office.

LAW.

SUPREME COURT.—Thursday.

Sittings for the Trial of Causes.

Jury Court.

Before his Honor the Chief Justice and a special jury of twelve.

Bailey v. Fairfax and another.

An action of libel, in which damages of £5000 were claimed by plaintiff for injury done him by the publication in the *Sydney Morning Herald* of the following article.—

The action of Nash v. the Bank of New South Wales naturally excited great interest in financial and commercial circles; nor was it without its attraction to that considerable number of men who are captivated by great and successful frauds. The case turned entirely upon the credibility of Nash himself and the similitude of the signature in question to those cheques produced which were admitted to be genuine.

The "experts" who gave their opinion in reference to the signatures offered the usual conflict of opinion. We believe that many are thoroughly correct in the judgment they form, but would be entirely confused by any specific question pointing to some peculiarity which led to their conclusion. Every one knows that even those who write with most uniformity vary in certain particulars—that unless elaborately executed it would be difficult for an autograph to be exactly repeated. The firmness or otherwise of handwriting might depend upon the time when it was executed or upon the habits of the writer;—whether it was early in the morning or after the nobblers of noon, or during the growing obscurity of a nightly symposium. The form of the pen, the posture of the person at the time of inscribing his signature, the quantity and quality of ink would all give some variation to the form of the letters and to the general appearance of the document. A man intending to defraud would, of course, vary his handwriting. Want of education, however, might place it out of his power to pass a certain degree of clearness and accuracy, but any one could disguise his hand.

What strikes us in looking at the trial—as well as that in the Roupell case, where the evidence of "experts" was so astounding—is that the particulars by which a signature is recognised will almost always fail to convey conviction to a second party. The opinion may be correct, but the reasons may be fanciful, far-fetched, and inconclusive.

Against the statement of Nash there was nothing material but the assertion of Hood, whose character was brought out by counsel. Such a witness would certainly convey no conviction, if unsupported by very strong and independent testimony. The Judge pointed out the different positions of the witnesses as bearing upon the verdict of the jury in this respect. No impeachment had been alleged against the character of the plaintiff; no evidence had been given to show that he was not a perfectly reputable and trusted man. It was not therefore possible to raise that question in the retiring-room. Thus the jury had before them a conflict of statement with respect to the likeness of the handwriting—the absolute denial of Nash that the signature was written by him, and, on the other hand, avowals by a witness whose assertions could not be credited after the admissions which he made of his course of life, as well as his refusal to answer questions by which that course was implied.

The recent discovery of forgeries to a large extent, conducted by a band of conspirators, and in a systematic manner, rendered this trial of special importance. There is certainly opened a course of fraud to which there appears to be no check or limits in our present monetary system. It is shown clearly that the signature of any man can be imitated with an accuracy so great that it would be impossible for him to deny it upon inspection, or without having reference to the purport of the document to which it is appended. It is shown that these signatures cannot be detected from the true, of which they are a *fac-simile*, by the most careful teller of a bank. We see the discoveries and appliances of science brought into the service of crime to an extent which is really alarming, and requiring new precautions to defeat them—perhaps new penalties to punish them, for forgery has degrees as well in turpitude as in the injury it inflicts. What is the comparison between the offence of the foolish youth who passed a cheque for a few shillings, compared with the crime of men who assume this nefarious practice as a trade, and carry on by the most ingenious, complicated, and sweeping measures, their depredations upon the public? Not only should a very different degree of punishment be assigned in such cases, but they ought to be treated, each class under a different category.

The tellers of banks are placed in a most perilous position. How is it possible for them, in the pressure of diurnal business, to exercise a vigilance that can cope with such artifices? Ought there not to be some plan devised which shall make the free circulation of these cheques more difficult? Ought a cheque for a large sum to be paid over the counter at all? Ought it not in every case to be notified on the day of its presentation to the drawer, that he may have time to arrest it before it is carried to account? We understand that some of the banks have precautions which prevent the cheques of particular houses from being copied by forgers. Even these precautions, however, will hardly stand against persevering ingenuity, and the co-operation of several; but anything that makes it difficult to defraud, must be regarded as beneficial.

The history of forgery is indeed one of the most startling among the records of crime. The first man who was executed for fabricating bank notes possessed a skill in their imitation to an extent so marvellous as to deceive the Bank of England itself. It was long before he fell into the hands of justice, and paid the penalty of his life. Mechanics the most skilful in their several departments have been employed in these devices. As improvements are made, and chemical science offers aid to the practice of imitation, greater care will be required to distinguish the spurious from the true.

It is often upon a signature that immense fortunes depend, and it is wonderful how society acquiesces in the kind of proof of genuineness which is admitted, liable to such easy fabrication. Many a family has been defrauded of its rights by the concert of two persons at the death-bed they have happened to infest. Often papers have been produced after the decease of the parties signing, charging an estate in great liabilities, and diverting its assets from the proper heirs by similar schemes. Mr. Plunkett, in the Devine case, so long litigated in our Courts, quoted a remarkable illustration of this danger in the case of a clergyman, the Rev. W. Bailey. In the "Modern State Trials," by William C. Townsend, Recorder of Macclesfield, published in 1850, this case is given at large. We condense its particulars.

Dr. Bailey saw in a newspaper the death of an obscure miser named Smith. He forwarded to the executors copies of two instruments purporting to have been given by the deceased to "Miss Anne Bailey, of 45, Upper Arthur-street, Belfast, for value received from her in cash, advanced by her on loan to me. Witness—William Bailey, clerk, LL.D., minister of St. Peter's, Queen's-square, Westminster." The executors, knowing the wealth of the deceased, and never having heard of any connection with Dr. Bailey, rejected the claim. The reverend gentleman entered the witness-box, produced an account-book with various entries of loans, swore that he witnessed the signature in the vestry of St. Peter's, on Thursday, 12th August, just before Divine Service. His evidence was, however, disbelieved, and on the following sufficient grounds. At the time of the alleged signature the miser was with a friend who remembered the time because it was his wedding day. Dr. Bailey brought into court an Irishman who sold fruit to swear that he had seen Smith go into the vestry of St. Peter's and come out again in five minutes followed by him (Dr. Bailey) in his surplice. The witness admitted that he had signed this false deposition, but said that when he was sent down to swear publicly to the falsehood his flesh "crawled upon his bones," and confessed the perjury. Dr. Bailey also gave £10 to a reduced Irishman to swear to the same falsehood, telling him that unless he did so "his (Dr. Bailey's) sister was in danger of being robbed of £3000." Dr. Bailey's written instructions to these witnesses were produced in Court and proved on his trial! Besides this he called several unfortunate women—discharged servants, milliners, and others—whom he had instructed to swear to different portions of the imaginary transaction between himself and Smith. The prosecution, aided by secret memoranda, which they had discovered in Dr. Bailey's desk, exposed this tissue of perjury. These facts being produced, Dr. Bailey was convicted of forgery, and transported for life. "How venial," observes the Recorder of Macclesfield, "in comparison with his double guilt, yet how sad, in contrast, the sin and punishment of Dr. Dodd!" It is at least a memorable instance of the frightful depths to which men may sink when once they yield to the suggestion of covetousness, and enter upon the path of crime; and, as suggested by Mr. Plunkett, an example of the risk of forgery where the destination of property may be determined by a spurious signature.

Mr. Darvall and Mr. Sheppard appeared for the plaintiff; the Attorney-General and Mr. Isaacs for the defendants.

Mr. Shepherd opened the case by reading the pleadings.

Mr. Darvall then addressed the jury: This was an action of libel by Dr Bailey, a clergyman of the Church of England, against the proprietors of the *Herald*. The defendants were the very respectable proprietors of a highly respectable journal, and were responsible for the articles that appeared in it, and it was all the more painful to him and to his client, who had no feeling whatever against the defendants, that the proceedings should be against men so respectable, and that he should have to appeal to the jury for compensation for what had been a very serious injury. The plaintiff was a gentleman of high family and education, of great learning, and of high attainments; but in the course of his life, which had been distinguished by learning and zeal, it had happened to him that, under the pressure of great temptation, he had yielded and had been guilty of a very serious offence. It would be idle in the plaintiff to endeavour to conceal this fact, and, therefore, it was fairer to the jury and to his client that he should allude to the past life of plaintiff before he asked them for compensation for the injury done. The plaintiff was a gentleman who, having been brought up to the Church, held a preferment in Westminster, London. He led a life without stain or reproach until the circumstance took place which had led him to yield to the temptation for which he could plead no extenuation. He was, however, not now before a tribunal that could call upon him for such a plea. He had, moreover, paid the penalty for his misconduct, and was thus free to confess the terrible degradation that he had brought upon himself by his misconduct. He was trusted, not only for his attainments, but also for his piety. This was about twenty-two years ago. At that time some person died possessed of a large property in England, from whom plaintiff's family had great expectations. In these they were disappointed, for it turned out that the will gave them nothing. Finding this, some members of the family commenced an attempt to defraud the executors, which in an evil hour Dr. Bailey aided them in carrying out. They prepared certain documents, which were forgeries, and Dr. Bailey, to rescue his family from poverty, put forward these documents as genuine. The claim was disputed by the executors, and disputed successfully; and more than that, they indicted Dr. Bailey for forgery, and on his trial he was convicted of uttering and not of forging. He was, however, convicted, and the jury might imagine that if there could be any atonement in this world for a crime such as plaintiff had committed, the offence would be almost atoned for by the mere conviction—a conviction that at once threw him from his high position into a state that was even worse than death. Plaintiff then came to Tasmania, and, apart from this one offence, he would challenge the industry or malice of anyone to show that plaintiff had been guilty of any other offence, great or small. And as to this one offence, having paid the penalty for it, the jury would be shocked to think that plaintiff's offence should be made the subject of public comment. In Tasmania, plaintiff's conduct was so good as to obtain the confidence of the best people in the colony. He became private tutor in some of the best families. He became editor of a newspaper, and whilst so employed must have been known to Mr. West, one of the editors of the *Herald*, who was then conducting a rival newspaper, that took an opposite side in politics. Thus, though plaintiff had got under this cloud, he had never disappeared from public life, but was well-known to every person in the colony. After a few years' residence in Tasmania, a pardon came out for him, setting him as far right with the world as the Queen and her advisers could do. When such was the case, and when the Crown could pardon, other men might well allow their enquiries to slumber, and permit the man to regain his position as far as he could. After remaining in Tasmania for several years filling a good position, he came here, recommended by the Bishop of Tasmania, in order to his filling an office in the ministry; for, though he had committed this offence, he had never been before an ecclesiastical court and was still a minister of the gospel. He came here to employ himself educationally, desiring to leave a country in which there were so many bitter memories in existence, and from which he desired to escape. That being his view, surely, if higher powers condescended to forgive, surely the more humble ones might have left him in the obscurity he desired, rather than have thus dragged him into publicity. He was employed in lucrative occupation in Miss Moore's and in Mrs. Tait's schools. He set up a large school on his own account, and he was already in receipt of a large income, and had won the respect of all who knew him. So much was this the case that he was recommended to fill the office of one of the Examiners for the Bar. For this office it required that he should be recommended by the Judges, to one of whom, from his long residence in Tasmania, he must have been known. Though learning only was required in an examiner, yet, if the Judges had been aware of his former career, they must have desired that his offence should be forgotten. He came to this colony six years ago, and on several occasions had contributed to the *Herald*, to the proprietors of which he must have been known. He might have continued in this career of success, but for one unhappy step. Not having been under any ecclesiastical censure, he thought he might be permitted to exercise the functions of a spiritual teacher, and advertised to hold divine service according to the tenets of the Church of England in the building where he had his school. Beyond this, however, he brought down upon himself the wrath of the high dignitaries of the Church, by announcing that he would administer the rites of the Church upon the voluntary principle. He had done this with a conscientious feeling, and if he had refrained from so doing he would not have incurred that *odium theologicum* that he had since incurred. Now he could not believe that the editors of the *Herald* designed of themselves to ruin the plaintiff. They knew his past career, he had contributed to their journal, and then saw him usefully employed for six years; but the moment he advertised to carry on the services of the Church on the voluntary principle, that moment he was met by a counter-advertisement informing the public that Dr. Bailey was not about to perform those duties in any authorised manner under the Episcopal government of the Church of England here. This advertisement was contained in the *Herald* of the 10th May, 1864. Now, there was no impropriety in the announcement that plaintiff would conduct the service in his schoolroom, and the Bishop could not prevent him from so doing, unless he were about to do some disgraceful act; but the Church authorities were alarmed by this interference of a person who was not under the immediate orders of the Bishop. In spite of this announcement, which in itself was a most invidious thing to do, plaintiff renewed his notice, and continued to hold divine service in his school. The result of this had been the appearance of this article in the paper. But, before he went to that, he would call the attention of the jury to the law of libel as it existed in this colony. The editors of a newspaper had no power, right, or duty larger than that of any other man; they had no right of criticism more than that possessed by any other man; they had no right to defame any individual; nor were they justified in doing more than any other person. They had larger powers for good or evil, and ought therefore to be more cautious in the use of them. No doubt, they were exposed to imposition in the communications they received, but when the libel was contained in a leading article, the matter became different, and there was no longer an excuse. To this action there was no defence, except that the defendants said that they were not guilty. Whatever had been done, they were responsible for it; but he dared to say that, for anything they had done, defendants would be borne harmless, and that the same zeal that led to the introduction of the article into the paper would no doubt lead to the indemnification of the defendants in any damages they might incur. Their plea only raised the question of whether the libel alluded to the plaintiff, whether any injury had been sustained by plaintiff, and whether the article was a libel. On the latter point the jury would receive his Honor's direction; but under their defence defendants might contend that as journalists they had a right to enter upon a criticism of this kind; but for such a defence the criticism must be on the public act of a public man. In this case, however, the criticism did not pretend to be on anything of the kind, or anything recently done, for of late years the conduct of plaintiff had been unimpeachable, and it consequently could not be contended that this article had been written in the discharge of a public, private, or social duty. If the jury would look at the libel law of this colony, they would see how very careful the Legislature had been to protect persons from injuries of this kind. The newspaper proprietor was not allowed to justify his insertion of a libel merely by the statement that it was true; they were not permitted to drag before the public the history of the past career of a man merely because that past history was true. Such a thing might grieve the friends of the individual affected, whilst it could not benefit society at large, and on that account it was not permitted. Let them consider the large sums that an evil disposed newspaper might wring out of the pockets of individuals, merely by announcing that unless a certain amount of money were given they would publish an account of the person's trial, or of his father's trial, or of his grandfather's trial—not to serve a public purpose, but merely as an act of extortion. The law did not permit of anything of the kind. Defendants merely said that they were not guilty; they offered no apology. They did not say that the charge was not true; but he admitted that it was true, in fact it would ill become him to do anything else but to admit the truth of the particulars stated against plaintiff. There had been no apology offered, no compensation tendered. He should imagine that defendants must have felt that in such a case it would be idle to attempt to tender an apology, since the injury was too great; and as to compensation they must have thought it wiser to leave it to the jury to award damages. Now he would tell the jury that whatever might have been the past life of the plaintiff, if his career had since been altered, and he had been led to lead a different life, then from the very fact of his former offence he was all the more entitled to consideration, because by his past career having been brought against him, all his present prospects were destroyed. He might also mention that plaintiff's wife was so stricken down by the libel, that the moment she read the article she exclaimed, "That is my death warrant." His son also, a fine promising youth, who was being brought up to a profession——

The Attorney-General: Is this to be proved in evidence?

Mr. Darvall: I am prepared to prove by evidence every statement I make.

The Attorney-General: Then there is nothing about it in the declaration, and we are not prepared to answer it.

Mr. Darvall submitted that these statements showed good grounds for increased damages.

The Chief Justice: The plaintiff may prove that he has a wife and family, and may show the position in which they were and in which they are now, and it may be that the jury will be entitled to consider the laceration of plaintiff's feelings by reason of the charge. But the jury are not entitled in their damages to consider the injury caused to the wife or son.

Mr. Darvall continued: As his Honor directed that these details could not be gone into with the view proposed; but though he could not ask the jury for damages for the effect upon the wife or for the ruin of the children, yet he might ask them for increased damages for the wounding of his feelings on finding his children's prospects thus destroyed. But if plaintiff had a wife and children, the jury might well fancy for themselves the bitter injury they must have suffered, and what must have been the plaintiff's feelings on witnessing this suffering. It was on account of this, and by reason of the injury inflicted upon innocent individuals, that in actions of slander juries were not confined in their damages to the amount of injury actually proved to have been sustained, for in most cases it was actually impossible to prove this. In fact, no man was bound to prove damage at all, but might bring his action the moment the slander was published, without waiting for damage to accrue, and the Judge on the trial would direct the jury to give the plaintiff the consequential damages that were likely to arise on the publication. Let them see the mischief that had been done—plaintiff lost his friends, his position, his living, and was thrown into poverty, and then say what amount of damages should be given to one to whom so much mischief had been wantonly done. If anything had been done, or any offence had been committed that would in any way have been illustrated by a reference to this offence, such a reference might have been made without dragging forward plaintiff's name. But, instead of this, defendants were at great pains to drag forward plaintiff's name, and to make it as prominent as they could. The newspaper, containing the article alluded to, was dated the 19th May, 1864. It began by an allusion to Mr. Nash and the Bank. [The learned counsel here sketched through the article, and read the portion charged as libellous.] This was the article they would have to consider, and he did not think that their greatest experience would furnish them with an instance of any such cruel libel as this; for though it was permissible for a newspaper to give an account of the proceedings of a trial in court, it was certainly not permitted, after the lapse of years, to print any account of the kind. The result of this article was that plaintiff lost Mrs. Tait's school, all his private pupils had left him, and now he could hardly walk the public streets without some remarks being made by passers by upon his previous history. The prospects of his life were destroyed; so much so, that he had now no hope of making a living here, and his only chance of obtaining forgetfulness was to leave the colony, to find elsewhere that immunity from persecution that was denied to him in New South Wales. If this sort of thing were to be tolerated, they might calculate the amount of misery and wretchedness that might be caused, and the blow that would be struck at the peace and happiness of so many families in the colony. He did not say for a moment that such a thing would be done by the *Herald*, but he did not for an instant expect them to be guilty of such a thing. If the world were to be made better by ripping up and exposing these cases, then it would perhaps be right; but nothing of the kind was suggested as likely to occur here. In fact, all that plaintiff asked was to be permitted to live in the country, and to be let alone; but though he sought only this, yet, because he dared to set up a church on the voluntary principle, this article was written immediately on his announcing that intention. They would see the plaintiff in the box. He himself had never seen him; but he was a man well known, connected with different educational establishments, and they would hear from him that his life, with the exception of this one offence, had been perfectly blameless, and that for the last twenty-two years there had been nothing against him. Anything more unprovoked than this attack on the plaintiff he had never met with. If the defendants had not known of plaintiff being here, the thing would have been bad enough; but they must have known it, as from his communications with the defendants they must have known who and what plaintiff was. They would, however, see Dr. Bailey in the box, and they would be able to say from his evidence whether there had been anything in his career that would prove an extenuation of the publication. The wrongs that could be done by slander were much heavier than those inflicted by any other personal injury. They might beat a man, or might rob him, and still he would recover; but take from him his character and he was lost for ever, for it was not to be recovered. On behalf of his client, he appealed to them, with no personal feeling against the editors of the *Herald*, but merely to do justice where justice ought to be done. In this view, the only question for them was, what compensation could they give him for the wrongs he had suffered, or could any amount of money be enough to ease his wounded feelings? They could never hope to do this; but they might go to this extent, that they might, by their damages, enable him to carry his sorrows into the solitude and retirement of some other country, where he might start in some profitable business, after he had been driven out from here by the cruelty of the community, and might thus show their feeling of disgust, and so make it a caution to others to be more careful of the powers which, as editors of the Press, were entrusted them to wield.

The publication of the newspaper in which the alleged libel had appeared was admitted on the part of the defence.

His Honor, in the absence of the Judge's Associate, read over the article referred to.

William Francis Xavier Bailey, having been placed in the witness-box and duly sworn, deposed: My name is William Francis Xavier Bailey; I am the plaintiff in this action; I was made a deacon in the Church of England in the year 1830, and admitted to priest's orders in the same year; I am not now, nor at any time have I been, under ecclesiastical censure; I am still a minister of religion; I am a graduate in honours in the University of Trinity College, Dublin; the degree that I took there is that of L.L.D.; I gained, for two consecutive years, the Vice-Chancellor's prize for Greek poetry, the prize for natural philosophy—that is the highest prize for philosophy; and I also gained prizes for logic, and several for Hebrew, for ethics, and for theology; I am an honorary vice-president of the Institute of Paris, and I am also an honorary member of the Royal Jennerian Society; I graduated as a Bachelor of Arts at Dublin in 1829, and was made a deacon in the year 1830. [Having been permitted to refer to some documents to refresh his memory, the witness proceeded.] I was admitted to deacon's orders in the diocese of Down and Connor in 1830, and I was ordained a priest in 1831; my letter of priest's orders is dated in that year; I was first appointed to a curacy in the county of Down in the North of Ireland; I was, for some time, a private chaplain in my wife's family, and was subsequently appointed to the incumbency of St. Peter's, Queen's-square, Westminster; I graduated in 1829 before I took orders; I have never been guilty of any offence, nor have I been charged with any offence, save and except that which has been alluded to; I was found guilty of uttering a forgery, not guilty of forgery as stated in the article published in the *Herald*; I was acquitted of the charge of forgery, and the statement of the *Herald* in this respect is incorrect; the sentence passed upon me was transportation for life; it was passed upon me on the 1st of February, 1843; I arrived in Tasmania in August, 1843, a few months after I was sentenced; about two years afterwards I was allowed to enter upon employment, such employment as teaching; this was when I had my ticket-of-leave, about the year 1845 or 1846; about ten or twelve years afterwards—in 1855 as I think—I received a pardon from the Crown; my occupation in Tasmania, after I got my ticket-of-leave, was tuition and writing for the Press; I was the real—the ostensible—editor of a newspaper at Hobart Town for some years; I was in Tasmania when Mr. West was in that colony.

The Attorney-General objected to the learned counsel's line of examination. Mr. West, whoever that party was, was not one of the defendants in this case.

Mr. Darvall defended the line of examination which he had entered upon. Evidence in this direction would, he submitted, be admissible if he could shew that Mr. West was known to be the editor of the newspaper carried on by the defendants. The evidence might, inferentially, shew that there was malice.

His Honor: What would it show in proof of that? It would, if evidence at all, be evidence not only of knowledge but of active malice. If counsel could shew that this Mr. West knew the plaintiff and wrote of malice, would that be any proof of actual malice on the part of the publishers?

Mr. Darvall argued that the inference might be presumable that Mr. West had acted from actual malice if he wrote this article, and that in that case the defendants could not be considered to have acted from inadvertence or ignorance. He intended to show that this Mr. West wrote for the *Herald* newspaper here. What he sought to establish by evidence was to affect the proprietors of the newspaper with a knowledge of the matters alluded to.

The Attorney-General denied the conclusion attempted to be drawn by the learned counsel for the plaintiff. It was quite open for the Court to conclude that the defendants knew nothing whatever of the matters referred to.

Mr. Sheppard referred his Honor to the case of a libel in which this Mr. West had been plaintiff, and the proprietors of the *Empire* newspaper defendants. The action he referred to arose out of a libel written by Dr. Lang. In that case, the Judge who tried it had laid it down as law, that the malice of the writer (Dr. Lang) must be presumed to affect the publishers.

The Attorney-General said that the learned counsel was mistaken in his recollection as to that part of the case.

His Honor also thought that Mr. Sheppard was mistaken in saying that such was the ruling of the learned Judge. The law was, that the proprietor of a newspaper was responsible for the publishing of the paper which contained a libel. That was a very different conclusion, however, from the supposed inference that there was malice in the proprietors of a newspaper because the writer of an article which had appeared therein might be shown to have written under the influence of malice. The learned counsel must be mistaken in what he had stated as to the ruling of the Judge who had tried that case.

Examination of Dr. Bailey continued: When I was engaged in tuition in Tasmania I was employed as a tutor in several families of the highest respectability; I was so employed in the families of Mr. Gough and Mr. MacDowall, by Colonel Richardson for his son and daughter, by Major Player for his daughter for the space of two years, and in a similar way by other gentlemen; these gentlemen held official situations, and were all aware of my condition and my offence; my employment as the editor of a newspaper extended over two years; my employment as a teacher continued up to the time I received my pardon; I then received an appointment as master of a large proprietary school; this was after 1855; about two years after I got my pardon I came up to Sydney with my son, who is now in training for the legal profession; I have also my wife with me in Sydney, and depending upon me; I came to Sydney in 1858, and got my pardon in 1855; when I came up to Sydney Archbishop Polding appointed me to the charge of St Mary's seminary; I brought letters from the Bishop of Tasmania to the Vicar-General here, and I remained at St. Mary's for four years; I was then immediately under the present Vicar-General—the Rev. Father Sheehy; I remained in charge of the seminary at St. Mary's until it was dissolved or broken up; I did not, whilst so employed, incur any blame from my ecclesiastical superiors—the contrary was the case; I say so in reference to the special commendations which I received from the Archbishop, and in reference to the special reports of the school under my charge; when that establishment—St. Mary's seminary—was broken up, I opened the "Sydney High School"—a private school which I am keeping on up to the present time; I have, in addition to that means of support, taught at Miss Moore's private school and other schools; I was employed by Miss Moore in her seminary for five years; I understand that whilst I was so employed by Miss Moore I discharged my duties to her satisfaction; on the 14th of April, 1860, I was appointed one of the Examiners for the Bar of this colony; I am not aware whether his Honor the Chief Justice knew anything about that appointment.

His Honor: I was not a party to the appointment. I was not in the colony at that time.

Examination of Dr. Bailey continued: I have been given to understand that my employment as a teacher gave satisfaction to Miss Moore; I was also similarly employed in the school of Mrs. Tait; I have been employed by Mrs. Tait for one year, and have also been employed as a teacher by Mrs. Hopkins; I always understood that I gave satisfaction when so employed; the day after the publication of the article I ceased to attend the school of Mrs Tait; Mr. Tait met me at the door and told me that I could not continue to teach there; the number of my pupils at my private school before the publication of the article was about twenty; it is now sixteen; my pupils have neither increased nor decreased; I expected that they would have increased after the midwinter holidays; at the time of the publication of the article, the meeting of the pupils after the midwinter holidays was just about to take place; at the end of the midwinter vacation, on previous occasions, I usually had an increase of scholars; on this occasion I had not, which I attribute to the publication of the article.

The counsel for the defendants objected at some length to the line of examination adopted by the learned counsel for the plaintiff.

The Judge ruled the evidence admissible.

Examination of Dr. Bailey continued: Ever since I opened my school, after the midwinter vacation there had been always a considerable increase in the number of my pupils up to this time; this time I have not had an application for a single pupil; my school is a day school.

By a juror: It was the old boys who came back—no new ones.

By Mr. Darvall, as before: I had one or two private pupils before the appearance of the article; I have now only one private pupil—one that I had before the holidays; I opened the church in my own schoolroom on the South Head Road for Divine service.

Mr. Darvall here submitted three advertisements which had appeared in the *Herald*, as evidence in the case. The first of those advertisements had appeared in the *Herald* of the 7th of May, and was to the following effect:—

Divine Service.—Divine service, according to the liturgy and doctrines of the Church of England will, until further arrangements, be held next Sunday, 8th May, and every succeeding Sunday, by the Rev. W. F. X. Bailey, LL.D., in the Sydney High School, South Head Road. Morning service, at 11; evening, at 7. On Sundays instruction for the young in Catechism and Scriptures—morning, at half-past 9; afternoon, at 3. Baptisms and marriages without fees. N.B.—All expenses defrayed by voluntary contributions.

On the 10th of May another advertisement had appeared in the *Herald*, and this he also desired to put in evidence. It was as follows:—

Notice.—The Rev. W. F. X. Bailey, LL.D.—In consequence of an advertisement having appeared in the *Sydney Morning Herald*, stating that Divine service, according to the liturgy and doctrine of the Church of England will be held by the Rev. W. F. X. Bailey, it is hereby announced that Mr. Bailey is not connected with the Church of England in this colony. By order of the Lord Bishop of Sydney, H. K. James, secretary. Diocesan Registry Office, King-street, 9th May, 1864.

He (Mr. Darvall) would also put in an advertisement which had appeared in the *Herald* of May the 14th. It was as follows:—

Divine service, according to the liturgy and doctrines of the Church of England, will be held to-morrow, and every Sunday, by the Rev. W. F. X. Bailey, LL.D., in the Sydney High School, South Head Road. Morning service at 11; evening, at 7.

The last document which he desired to put in evidence was the article itself—which was published in the *Herald* of the 19th of May, and had already been read by his Honor to the Court.

Examination of Dr. Bailey continued: During my stay in Sydney I have had communication with the proprietors of the *Sydney Morning Herald*; I have been a contributor of written articles to that paper.

The Attorney-General objected to this evidence. What had it to do with the case before the Court? He did not understand that it was pretended that Dr. Bailey had ever been employed as a writer of any leading articles, and if it was only as the writer of an occasional letter that he was a contributor, what had that to do with this case?

Mr. Darvall saw no reason why Dr. Bailey should not have been employed by the *Herald* as the writer of leading articles.

Examination of Dr. Bailey continued: I contributed several letters to the *Sydney Morning Herald*; I have a distinct recollection of three of these my letters, which were published in the *Herald*.

The Attorney-General objected to this line of examination as irrelevant.

His Honor supposed that the evidence was intended to shew that the plaintiff had reason to know that the editors and proprietors of the *Herald* did know of his (plaintiff's) existence.

The Attorney-General: If this evidence is to be given, let us have the day and date of each letter, and we will send for the papers. In this way we shall be in a position to shew what the nature of the communication was that took place between the plaintiff and the defendants.

Examination of Dr. Bailey continued: I sent with my letters a private note to the editor, as is usual in such cases when a man writes for the Press.

His Honor said the matter of those letters was unimportant, but such a private note was material.

Examination of Dr. Bailey continued: Some of my letters were accepted by the *Herald*, and some were rejected; I had an interview with Mr. Fairfax, sen., one of the defendants in this action; I had also an interview with his son; this was at the *Herald* Office, up stairs, about five years ago; I should think that there was hardly in the world any other person but myself of the name of W. F. X. Bailey; I usually sent my notes to Mr. Fairfax in the third person, thus—"Dr. Bailey, of the Sydney High School, South Head Road, sends his respectful compliments, &c.;" the defendants thus could not fail to know who I was; there are several reports in the leader in the *Herald* respecting me which are entirely untrue, besides the incorrect statement that I was convicted of forgery.

The Attorney-General said the learned counsel Mr. Darvall, in his opening address, had distinctly admitted that what had been said in the leader about Dr. Bailey was true.

Mr. Isaacs: Precisely so. I took the words down.

Mr. Darvall: If I said so I withdraw that statement. What I intended to say was this; that I admitted that the plaintiff in this action had been guilty of a grave offence for which he had been punished.

Examination of Dr. Bailey continued: During the last few years I have delivered public lectures in this colony; I believe my lectures were reported, but whether they were or were not reported in the *Herald* I do not know; up to the publication of that article I did not hear the subject of my previous misconduct alluded to, but since the publication of that leader I have been subjected to painful allusions to it two or three times whilst walking in the street; my income is now about a hundred a year; it was between £300 and £400 about twelvemonths ago; as I have stated, I am a married man.

Mr. Darvall: Is your wife in a poor state of health?

The Attorney-General objected to that question.

Mr. Darvall submitted that it was perfectly competent to him, as counsel for the plaintiff, to ask that question; if plaintiff had a wife that wife had to be supported, and if an invalid that circumstance was to be considered.

After some discussion the question was not pressed.

Dr. Bailey, cross-examined by the Attorney-General, then deposed as follows: I am described in the article in the *Herald* by the name of "William Bailey" only; that was the only name by which I was known in England; I was known by the name of "William Bailey" when I was received into priest's orders; at that time I had no other name but William; "Dr. William Bailey" was the only name by which I was known in London; "William" was my baptismal name.

By his Honor: I was appointed the incumbent of St. Peter's Chapel, Queen-square, Westminster; it was a Chapel-of-Ease; the appointment was given to me by a Mr. Chappelay; I was so appointed in 1838, but I was not licensed by the Bishop of London until 1841.

Cross-examination of Dr. Bailey by the Attorney-General continued: I was between five and six years at the Dublin University; after I left the university I was admitted to priest's orders in the diocese of Down and Connor; when I first came to England after I was admitted to orders I was private chaplain to a Mr. Walker, in Essex; I went from Ireland to Halstead in that county—a place about fifty miles from London; I had no license at that time from the bishop of the diocese where I then resided; I never had a license in England until 1841; it was when I became the incumbent of St. Peter's, in the parish of St. Margaret's, Queen's-square, London, that I was first licensed in England; I produce that license; I was officiating in that chapel for some two years before I was licensed; I became incumbent of that chapel in 1838, and I did not get licensed until 1841; my congregation was not very large, but it was rather select; it contained persons of rank and standing in society; I considered myself regarded as then occupying a good position; I enjoyed the friendship of the members of my congregation, and was well received by persons of high rank and consideration; during the five years that I was incumbent of that church I was on intimate terms with the Bishop of London, the Dean of Westminster, and other dignitaries of the Church; I had Lady Hamilton's family in my congregation—Mr. Basil Montague's family, the family of a serjeant-at-law (whose name I do not at present remember), and others, whose names I do not now recollect; some of these lived in Bird Cage Walk; I know all the chief clergy in London.

His Honor: Did you know Mr. Basil Montague's son-in-law?

Witness: I do not remember him.

His Honor: I mean the poet—Barry Cornwall?

Witness: I do not remember that name.

Cross-examination of Dr. Bailey continued, as before: My income at that time was very precarious, it depended upon the pew rents of the chapel; I had sometimes £500 a year, and occupied a very good position in society; I distinguished myself at Dublin University, as I have before stated; the name of the sergeant-at-law who was a member of my congregation I now remember to have been Green; my income was increasing at the time of the unfortunate occurrences that were the cause of my leaving England; I think that that year my salary was about £400 a year; I had a wife and son at that time; my child being then seven or eight years old; I was never engaged in any speculation in business at that period of my life; I identified myself as being the person mentioned in the article because my church was also mentioned, "St. Peter's, Westminster;" I also identified myself with it because of the circumstances stated in that article; I cannot state that I did ever represent myself here as being "William Bailey" only; I am generally known as "Dr. Bailey;" my name is William Francis Xavier Bailey, and it is by those names that I am known.

His Honor: Will you state how it is that you identify yourself as "Dr. W. F. X. Bailey" and as "Dr. William Bailey?" Would any stranger identify you as being the Dr. William Bailey spoken of in the article?

Witness: I have found by experience that people have so identified me. They have regarded me as one and the same person.

Cross-examination of Dr. Bailey continued: There is no reference to my present place of residence in that article, or indeed to the fact of my being in the colony at all; I have not seen any publication of the defendants' to show that I am the "Dr. Bailey" referred to in that article; it is only my own advertisement that leads me to connect myself with it; I have never heard that I was alluded to in the trial of a case in this colony eight years ago; I was not in the colony at that time; I was in this colony when there was a motion for a new trial in Devine's case; I was not aware that any allusion was then made to the trial of my case; I have not read Townsend's report of my case; I do not usually read reports of trials; I have read an account commenting upon a report of the trial of my case; I read that which appeared in Blackwood's Magazine; I had a sister named Ann Bailey residing in Belfast in 1843; she had a private income of £100 or £200 a year; I do not know whether she is now alive or dead; I have had no communication with her for some years; I had another sister who was married to a clergyman in the North of Ireland; my sister, Ann Bailey, lived in Belfast, and occasionally resided on the Continent; I knew a person named Smith mentioned in the newspaper article; he visited at my house in London; he resided at the Seven Dials, and occasionally frequented my church; his residence was about a quarter of a mile from my chapel; Smith had a marine store—he dealt largely in iron; as I understood he had no shop of any kind; he was a single man and lived in a decent house, but he was miserly; there was a lot of low characters living around him; I visited him sometimes, but not frequently; he was known to our family; he was known to my father many years before—about seventy years ago; I had a letter of introduction to him from my father when I came to London; Smith was not an Irishman; I believe my father knew him in the year '98; I went to Smith's house occasionally; I do not remember that Smith visited at my house; I never saw him in Ireland; I never saw my father in his company; my father was dead in 1843; he died in the year 1841; my father usually resided in Belfast; he resided there for twenty years,—ever since I can remember; I never saw my sister in company with Smith; I rather think that she was not acquainted with him; I am not aware that she ever corresponded with Smith; he was no relation of the family; I believe he became connected with my father in some way through political matters—that they were in some way connected at the time of the Rebellion in '98; I assume that such was the nature of their connection; they were not otherwise related; I believe that my father and Smith corresponded; when my father came to London, he and Smith always met; Smith had a brother named James, a teacher of some kind in the neighbourhood of London; he was one of the executors of his brother—the man Smith, to whom I have alluded; I heard that Smith's property was somewhere about £100,000; Smith had a sister living with him at the time of his death; he was a man of no education, but a shrewd man, and a man of lively observation; Smith died intestate, and there were no executors, because there was no will; his brother James administered to his estate; he was not his executor; after Smith's death I did cause a claim to be sent in on Smith's estate—on behalf of my sister, Ann Bailey—as if for money lent; I employed a solicitor for this purpose—a Mr. Hill; I do not remember his Christian name; he resided at Holt Court, Holborn; I employed him to put in a claim for £3000, alleged to be due by Smith to my sister for money lent; I gave my solicitor, in support of this supposed claim, two promissory notes for the amount of the money claimed—for £3000; my name was appended as the attesting witness to one or both of these notes; I think it was appended as the attesting witness to the signature of Smith on both; these papers were dated "1841"—a short time previous to Smith's death, and purported to have been given by Smith in London; they were for the same sum, £3000; a promissory-note for that sum, and an I O U for the same sum; I gave these papers to my solicitor, and told him to apply for the whole amount; I gave him also certain vouchers as if for other moneys received by her, my sister, from him; I really forget that part of it; I do not recollect the particulars; it was an account-book in which these other vouchers were entered; it purported to be an account-book made by my sister as to the money lent by her to Smith; it appeared to be contemporaneous entries of money lent by my sister to Smith; my sister must have known of this, for she came over to London immediately; I rather think that she knew nothing about this account-book until after I was arrested; there was another person also who knew of this account-book, but it was a person whose name has never been mentioned in this matter; I believe that person was the actual forger of the promissory note and the I O U. I was the attesting witness to Smith's signature on both those documents, but I did not see Smith sign; the promissory note and I O U were sent to me from Ireland.

Mr. Darvall objected to the line of cross examination adopted by the learned Attorney-General. Unless he intended to contradict the witness, he could not pursue this course of cross-examination.

The Attorney-General contended that he was not bound to take it for granted that there was any such other person as implied by the witness. Under these circumstances he was justified in putting these questions with a view to testing the evidence of the witness.

Cross-examination of Dr. Bailey resumed: The man who sent the promissory note and the I O U to me from Ireland was the confidential agent of our family in Ireland; when I received them I also received these with instructions to recover the money they represented; the person directed me to put my name on them as the attesting witness; he urged that course upon me, my family then being in embarrassed circumstances; I had had no previous conversation whatever with this person on the subject; he came to London almost immediately after he had written to me, and suggested to me that such an account-book as I have described, should be prepared by me; this book I did accordingly prepare in my own handwriting; he came to London very shortly after he had written to me; I did not place the papers in any attorney's hands until the agent I have referred to came over to London; my attorney, Mr. Hill, had applied for the money some weeks before, and had been refused; my family were in embarrassed circumstances at that time—in 1841; my sister was in precarious circumstances, and had never been in a position to advance that £3000; I knew that to be the case; I have not heard of the factor or agent who sent me the promissory note and the I.O.U. for this twenty years past; his name, if I must give it, was John Quinn; he was a collector or agent residing in Belfast; John Quinn is not a very common name in Ireland—not so common as John Smith; the promissory note, the I.O.U., and the account book, were all the documents that I placed in my attorney's hands—no other papers; it is a fact that Smith, the administrator to his deceased brother's estate, would not recognise the claim I sent in; I then instructed my attorney to proceed against Smith in my sister's name; the case was tried before the Lord Chief Justice and a special jury; Sir Thomas Wild, Humphrey, and Fitzroy Kelly, and Sir William Follet were retained in the case; the case on the civil side was tried in 1842, in one of the autumnal months—I think in August; the trial lasted two days; a great many witnesses were examined; I was examined, but my sister was not; she was then living at my house; about a dozen witnesses were examined on behalf of my sister; I then swore that I saw Smith sign the promissory note and the I. O. U.—both the one and the other; I stated that I saw Smith sign one of the papers in my church, and sign the other elsewhere—I think in my house; I swore that I saw Smith sign one of them on the 12th of August in my church, just before divine service; I was examined by Sir Thomas Wild, at great length, in the matter of my attestation to those signatures; one person swore that at the time I swore to seeing Smith sign the promissory note Smith was seen by him in another place; that witness said, I think, that he remembered that particular day, because it had been his wedding day—something of that kind; there was a man named Kearney, who sold fruit, who was not called, as the article in the *Herald* says he was; I knew that man Kearney; I had not known him before the civil trial; it is not true that I ever did request any Irishman, or any other person, to come forward and swear that he had seen me go into my church, and come out of my vestry with the man Smith; I distinctly deny that; an Irishman named Kearney, who said that he was a dealer in fruit, swore, on the second trial, that he had been desired by me to swear that he had seen me, on a certain day, in the company of the man Smith; he produced a piece of paper on which was stated the evidence he had said he was prepared to give—what he could prove; that paper was written, if not by me, by my amanuensis; I was responsible for its contents, but I was not the suggester of the statements; this was before the motion for a new trial of the case; this man Kearney was not examined in the first—the civil trial; on the motion for a new (civil) trial it was that he came forward; he came to me of his own accord; I did not send for him; I did not meet him in the street; he swore at the criminal trial that he had met me in the street and I had asked him to swear what I have mentioned; I do not remember that he then—at the criminal trial—made use of these words—"I looked at him (meaning me) and admired what he meant;" he (Kearney) did swear something of that kind, but he was perjured; I wrote out a statement of what he said he could prove; the man came to me and having got the paper, as to what he said he could prove, he went and swore that I had asked him to prove it; I do not remember that this man signed the paper I had prepared; I can hardly see why he should do so; it was not an affidavit; Kearney swore he was suborned by me to swear for me; the new trial was refused, and the criminal trial came on immediately afterwards; Kearney did not sign any paper with me at all; I cannot remember whether Kearney did swear that he had or had not signed a paper prepared by me; the paper was put in as evidence against me; I never gave £30 to "a reduced Irishman" to swear that he saw me coming out of my vestry on such a day; I never promised £30 to any reduced "tradesman" to swear that; there was a "reduced Irishman" in the case—a man named Fleming; he attended my church; he swore that he had been by me offered £30 (or some such sum) to swear something; what he swore to that effect was untrue; he swore to a story similar to that told by the witness Kearney; I did know that Fleming and Kearney were both going to swear to that which I knew to be not true; knowing this, I did prepare the papers as to what they said they were going to swear to; there were also some women who gave evidence in the case at the civil trial; they were not discharged servants, nor were they what is known as "unfortunate women;" they came to me, voluntarily, to prove that they had seen Smith coming out of my church, and I prepared statements of their evidence, knowing that what they were going to swear was not true; I remember three of these women who came forward as witnesses; I, the three women, and the persons who were called to prove the signatures of Smith, were examined as witnesses; the last named persons were skilled witnesses—banker's clerks and others who had no original knowledge of the signatures; I knew perfectly well that the presumed signatures of Smith were not genuine, but the other parties—the skilled witnesses—swore in good faith; my correspondence was taken away from my house, and papers found in my desk were given in evidence against me at my trial; these papers had a tendency to show that Smith had signed the papers, not that they were forged; they were read against me at the trial; the civil trial lasted two entire days, the criminal trial only for one whole day; the criminal trial was before Mr. Justice Williams; the jury did not retire from the box at all; they deliberated in court for about a half-hour, and returned a verdict of guilty of uttering a forgery; the Judge thereupon passed sentence upon me; an application was made for a postponement, in order to move the Court in arrest of judgment, but it was overruled.

Mr. Darvall objected to evidence being taken as to what the Judge might have said whilst passing sentence. It might or might not have been that the Judge had spoken in strong terms of condemnation.

Cross-examination of the witness Bailey continued: I brought up to Sydney letters of recommendation to the then Vicar-General from the Bishop of Tasmania, Dr. Hall—the Roman Catholic Bishop of Hobart Town; I did join the Roman Catholic Church some years after I went to Tasmania; I then became acquainted with Dr. Hall; I had several conversations with that bishop; he knew I had been a clergyman in the Church of England; I was received into the Roman Catholic Church by him publicly—no, not publicly—some other clergymen, besides the Bishop of Hobart Town, were present; it was on that occasion that I received the name of Francis Xavier—a name of religion; that was about twelve years ago; I did not bear the names of Francis Xavier until then; I was at that time teaching in several schools; I was teaching afterwards in a proprietary school there—one that was neither Roman Catholic nor Protestant; it was a school for both, like the Grammar School here; I taught there for two months, but the school did not succeed; I then came up to Sydney, with letters of introduction to the Archbishop from Dr. Hall; I was then employed at St. Mary's Seminary; I understood—I thought that Dr. Hall had communicated to the Archbishop what had happened to me; I felt that the Bishop of Hobart Town must have told it to the Archbishop; they—the clergy at St. Mary's—were all aware of it; I have every reason to believe that the circumstances of my case were communicated to Dr. Polding; when I was appointed a member of the Board of Examiners of candidates for admission to the Bar here, I did not communicate anything about my case; I did not know whether they knew anything about it; I did not communicate anything about it to the Vicar-General here; I never had any misunderstanding with his Grace the Archbishop; I have given lectures at St. Patrick's and at the Sacred Heart; I do not know that the Archbishop refused to preside—as it had been announced that he would—at a lecture at St. Mary's because the lecture was to have been delivered by me; I was, on one occasion, to have delivered a lecture there—one, I think, upon Church History, but the lecturer was changed; the reason assigned was that two officers of the Government had called upon Dr. Gregory, then the Vicar-General, and had said that it would be better for me to keep quiet; I was told by Dr. Gregory that I might lecture at any other church but not at St. Mary's; I continued in charge of the Seminary of St. Mary's after that, and I lectured elsewhere; the pupils of the seminary amounted to about one hundred when I left, the Archbishop was advised to transfer the seminary to Lyndhurst; I ceased to have any communication with the Archbishop after I left; I never attended any meeting held to censure the Archbishop; I have never sought to be licensed by the Bishop of Sydney—Dr. Barker; about a year after I left St. Mary's I announced it to be my intention to open my school for Divine Service after the forms of the Church of England; I have never had any personal interview with Mr. West, the presumed editor of the *Herald* newspaper; the conversation I had with Mr. Fairfax was about some trivial matter. I did not go to the clerk at the counter and ask to have an advertisement inserted which had been refused; I never did go to the counter to have an advertisement inserted about a specific cure for the venereal disease—(laughter)—a Doctor Fletcher had drawn up an advertisement on that subject, which was refused, and I, on his behalf, went to the *Herald* Office.

Mr. Darvall objected to this line of cross-examination as going far beyond what was the fair limits of a cross-examination. The evidence must be shown to bear upon the issue.

The Attorney-General contended that he was not going beyond the proper limits of cross-examination. It had been said that Dr. Bailey had had communications with the proprietors of the *Herald*, and he was prepared to show, by cross-examination, what was the nature of the communications referred to.

His Honor: The witness has said that the conversation he had with Mr. Fairfax was about some trivial matter. Was not that sufficient? Was it necessary for counsel to go any further into the matter. If he did so, they might be involved in some discussion as to the comparative merits of blue pill.

Mr. Isaacs submitted that it was competent to the counsel to examine the witness as was proposed. It was alleged that by the publication of this article the plaintiff had lost his character; and what they now desired to find out was whether the party had had a character to lose.

Cross-examination of Dr. Bailey continued: I was told by Dr. Fletcher that he had gone to the *Herald* Office desiring to have an advertisement inserted respecting some specific cure for certain diseases; the insertion of Dr. Fletcher's advertisement had been refused; knowing that Fletcher was a poor man I said I would go for him and speak to Mr. Fairfax; I did so, and saw Mr. Fairfax on that occasion; Mr. Fairfax directed the clerk to draw up Mr. Fletcher's advertisement in an amended form, so that it could be inserted in the paper; this shows that Mr. Fairfax must have known me; my case was, as I understand, reported as a special case by Townsend, and commented upon in the *Times* and in *Blackwood's Magazine*; I have never seen Townsend's book; I have read some comments on special trials; I have read a translation of several such cases written in German by Feuerbach; I made an application to the Registrar-General to have permission to solemnise marriages in my church; I put my advertisement, about my intention to hold divine service, into the paper on the 7th of May, and on the 10th of that month I applied to the Registrar-General; my name is not yet registered, but I have established my congregation at the place where my school is carried on.

By Mr. Darvall: My application for leave to solemnise marriages is still before Mr. Rolleston, the Registrar-General.

By His Honor: Mr. Fairfax must have known this; I was the Dr. Bailey referred to in the article in the *Herald*; the advertisement I put in was signed W. F. X. Bailey; he would know it by that. [Letter handed to witness by his Honor.] This letter, addressed by me to the Board of Examiners in February last is signed Dr. W. F. X. Bailey; I think a person who saw such a signature would conclude that I was the Dr. William Bailey mentioned in the article.

By Mr. Darvall: Francis Xavier is my name of religion in the Roman Catholic Church; it was suggested to me by the Archbishop to apply for appointment as an examiner for the Bar; his Grace said I might make use of his name; I did so, and was appointed.

By a juror: I was not pressed, at my trial, to state what was the nature of the part taken by John Quinn as regarded the forgery.

John Tait, being duly sworn, deposed as follows: I am preparing for the ministry; my wife keeps a ladies' school; I have known Dr. Bailey, the last witness, for a twelvemonth; he was recommended to me by the Rev. Canon Walsh and Mr. Blackmore, of the Grammar School; he discharged his duty as a teacher to my perfect satisfaction; he was preparing me for the Church; when I saw the article I guessed it must be meant for the Dr. Bailey I knew; the result was that I discontinued his services in consequence; what he got from me for his private tuition, and for teaching my scholars was £50 a year; I dismissed him from my employ because I considered that a ladies' school must be kept above suspicion. I should not have discontinued him but for the publication of that article.

By the Attorney-General: I was studying under Dr. Bailey to qualify myself for the office of minister in the Church of Scotland. (Laughter.) I got rid of him because of that article in the *Herald* which appeared to affect his character.

By Mr. Darvall: Assuming that article to be true, I should, nevertheless, not have got rid of Dr. Bailey if it had not been published; the fact of these bygone circumstances being known rendered it not desirable for me any longer to retain him in my school.

By a Juror: If Dr. Bailey had not told me I do not know that I should have known from the article that it was the Dr. Bailey referred to.

By his Honor: I know his name to be W. F. X. Bailey; the article spoke of a Dr. Bailey.

Mr. E. S. Bedford deposed that he knew the plaintiff in Hobart Town, and to have been there employed in teaching.

Miss Margaret Moore, of Auburn House, also deposed that the plaintiff had been employed by her as a teacher in her school, and that he had given her satisfaction when employed by her in that capacity. She had paid him £70 per annum.

Mr. C. F. Regan also deposed that he had known the plaintiff in Hobart Town. He was there employed as a teacher; when he saw the article in the *Herald*, he knew that Dr. Bailey was the person referred to; he knew him in Hobart Town twelve years ago; Dr. Bailey then taught in families.

This concluded the evidence for the plaintiff.

The Attorney-General said it was not the intention of the defendants to call witnesses, because had they filed a plea of justification they would have had to encounter enormous difficulties. They would have had to send a commission to collect evidence, to prove facts, with the chance of being unable to find, after this lapse of years, the persons required; in fact, they would have been utterly unable to prove all those facts which they had now got from the plaintiff's own mouth. They had, therefore, pleaded the general issue, under which they could go into the truth or falsehood of the charge. There were, however, some general propositions in regard to libel which were plain. Anything that was calculated to bring a man into hatred, ridicule, or contempt was a libel, and then it was for the jury to decide upon the degree of the libel. Some might be of so trivial a kind that a jury would stamp it with an award of the smallest damages that they were permitted to give. If this case had been such an one as the plaintiff's counsel had submitted to them, then £5000 would have been but a small amount of damages to impose on the defendants. Had the libel been committed on a person who, years ago, had been punished for an offence, and who, since then, had led in every way a blameless life, then no damages could have been too heavy to inflict upon those who would rake up his antecedents, and publish them to the world merely to gratify the vindictive spleen of themselves or of others. But was this a case of the kind? Was this the case of a man of little education, of one brought up in misery and poverty, thrown amongst associates of the lowest and worst character, having no person to teach him right and wrong, none to look after his moral welfare or religious teaching; of a man who had been driven into crime by the force of temptation and association? Having then been plunged into crime, such a man was transported, and through years of after life, seeing a way to maintain himself by honest industry, he struggles hard, establishes a good name, brings up a family, and becomes in every way respectable. Was the plaintiff such a man as this? If so, then five thousand pounds would not be too much. The plaintiff's case was very materially different from this. Here was the plaintiff, a distinguished member of Trinity College, who, to occupy that position must have gone through a long course of preparatory instruction; who had distinguished himself there in every way he could; who had taken prizes for his proficiency in scholarship in more than one branch of study; who was then admitted as a minister of the Church of England; was appointed domestic chaplain to a lady of respectability, and who must have had a large fortune to indulge herself in such a luxury; he then married a lady of this family, and was appointed to a church in London, where he got a congregation, which though not numerous was select, and for five years his repute went on increasing from year to year. He was intimately acquainted with the Bishop of London, with the Dean of Westminster and other dignitaries. He enjoyed the greatest consideration and kindness from the members of his congregation. He enjoyed an income of from five hundred to a thousand a year, had no debts or obligations, entered into no speculations, was subject to no temptation that could lead him to fall into the crime he had committed. It was in order to show this that he had asked the questions he had done. He was a finished Greek and Hebrew scholar; in fact, there was hardly any branch of study in which he had not distinguished himself. And yet, in all the plenitude of his instruction, and in the magnitude of his intellect, he went astray. Now this was

National Library of Australia http://nla.gov.au/nla.news-page1475623

ant the kind of case that had been opened to them by plaintiff's counsel, and upon which they had been asked to give heavy damages. Why, it shocked common sense to suppose such a case as they had now seen, and he was sure his learned friend would not have indulged in the remarks he had done if he had known the figure his client was about to make in cross-examination. What was it he had admitted. That there was a man named Smith resident in London who was no connection of his, but who was the owner of large property—who died, in fact, possessed of personal property valued at £100,000. Some man of the name of Quin, whom they now heard mentioned for the first time, wrote to the plaintiff, sends him bills for £2500, purporting to be signed by Smith, and directed this highly-polished and carefully-educated gentleman to sign them as attesting witness, and so bolster up their authenticity. Now, if there were such a person as this Quin, which he took the liberty of doubting, what kind of an opinion must he have formed of the plaintiff that he should make him such a proposal; and what kind of a man must plaintiff be that, at the very first suggestion, he should have immediately followed it. Plaintiff himself told them that he thereupon signed his name to the bills, and that he took them to an attorney instructing him to demand payment of them from the executors of the deceased Smith. Payment was refused and an action was commenced, and then plaintiff went into the box and swore that he saw Smith sign the bills. Talk of forgery, why here was perjury; and all the learned counsel's niceties of distinction between forgery and uttering were thrown to the winds. Such distinctions were too fine drawn, because the offence, whether it were forging or uttering, was the same in law, and was met with the same punishment. He was, on his own confession, guilty of uttering, most probably he was also guilty of forging; and then he was guilty, on his own shewing, of perjury also. And then he calmly told them that the statement in the paper was untrue, because he did not suborn the Irishman who dealt in fruit, and the tradesman in needy circumstances; but his story was that after the adverse verdict on the bills, there was a motion for a new trial, when these two persons came to him, without any suggestion on his part, and told him that they could prove certain things that he knew to be false, such as that they saw Smith going into and leaving the vestry on the day in question. He said that they came to him and volunteered to give evidence. Now the jury might believe that if they could, but to him it seemed incredible that two strangers should come to him and volunteer evidence that they knew to be false. But plaintiff knew it to be false, and yet he took it down and handed it to his solicitor, and in this way his criminality was as great as if he actually suborned to perjury. He fell into their suggestion to swear that which was not true, and was as bad as if he had himself made the suggestion. But it was not likely that they would have come forward voluntarily, when they must have known that he was aware that they were not speaking the truth. The motion for the new trial was however, abandoned, and then plaintiff himself was put on his trial for forgery, convicted, and transported for life. The remarks of the learned counsel showed a series of circumstances that in no way corresponded with the case before, and yet they were asked to give large damages. And what for? For what purpose? Why, merely to enable plaintiff to go to some other country, and (his Church on the voluntary principle not paying so well as he anticipated) start in some other and more profitable line of business. That was what the jury were invited to do, and he must say that he had been astonished at the hardihood of counsel in making such a proposition. The jury must, however, be first satisfied that the publication was of and concerning the plaintiff. He could not say what his Honor would rule, but he (Mr. Martin, submitted with confidence that the person alluded to not being known, there was really no publication. Plaintiff's name under which he was tried was William Bailey, but since he had been here he had been known by a different name, which he said himself was a remarkable one,—so remarkable, in fact, that he doubted if it were borne by any other person. But because William Bailey was mentioned, therefore the public were immediately to think that he was intended, though he had altered his name in so marked and distinctive a manner; but if, in point of fact, any single person knew that the article was of and concerning the plaintiff, and that it was so, then plaintiff was entitled to a verdict, because the article was calculated to bring him into contempt; but if he were entitled to a verdict, the only compensation he ought to receive was the smallest coin of the realm that they could award. The law said that if there was a libel, then the very publication in itself implied malice, therefore by proving the libel they proved the malice; but, as regarded the question of damages, malice became a very important consideration. On this point he would ask them whether it would be possible for any person to comment upon such transactions as these, and to comment upon them in milder terms, or in a way less likely to be pointed? There was nothing to show that the Bailey alluded to was in the country. It was shown that on one occasion Mr. Fairfax, sen., had had an interview with plaintiff but nothing had taken place then to lead Mr. Fairfax to identify him. But, suppose he did know, was there anything in the article to point out to the country at large that plaintiff was the man meant? In this article there was nothing to point out anything of the kind. It was not said that he was in the colony, and there was a comment upon other cases of magnitude which had excited an interest in this colony. The jury were aware that it was not an uncommon thing for newspapers to discuss remarkable crimes, and this discussion was not confined to any special time; and there were even publications altogether devoted to these particular trials. These were not only of interest, but were also in the highest degree useful to the community; as they put people on their guard against offenders, and served useful ends in many ways. They showed how persons, with all the advantages of position, wealth, and education, fell into crime, and served the purpose not merely of curiosity, but of warning and of use. In this spirit they had seen the case of Gardiner discussed, and had found him held up as a warning to others. In the same way had the case of John Dean Paul, and of Russel the forger, been discussed with a view to draw profit for the community. All these being open to discussion, why was not the remarkable case of Dr. Bailey to be discussed also? Was there anything more remarkable in any of these cases than in the crime they had heard confessed to-day in that box. Had they not heard enough to make them point to this as one of the most remarkable cases they had ever heard? Why should this not be done then so long as it was not done maliciously, especially as it was done in this mild way and without any pointed allusion to any individual? If, then, in making these comments the defendants had brought themselves within the margin of the law, what better course could the jury take than to give the plaintiff merely nominal damages. It was said that the plaintiff was to have large damages, because of the injury done to his feelings; but it would be for them to say what damage could be done to the feelings of a man who could bring himself to enter that box and to make the admission that he had done to-day. It was said that damages were to be given him for the injury done to his character and reputation; but if the plaintiff had thought of them he would have avoided coming into that Court and bringing the facts of his past history before the country. There was nothing that could more injure his character and reputation than the course he had adopted. This publication would have done him little harm had he sat down quietly and let it pass. He might have lost one school, whose mistress might have guessed at some connection between the Dr. Bailey and the plaintiff; he might have been prevented from having two or three scholars he would otherwise have received; but in a few years all would have passed over and been forgotten. Now, however, this trial would make the whole matter as remarkable as when the case was first tried in the Old Bailey. More than this, however, it showed the plaintiff to be utterly callous and indifferent as to his reputation, and to the esteem in which he might be held by his fellow men, when, for the sake of a few hundred pounds he would thus come forward and detail in open Court the particulars of crimes of so enormous a character. The exhibition must have given pain to every one who witnessed it, as it ought also to have given pain to the plaintiff himself. He did not, however, suppose that plaintiff felt any pain, or that he had any other desire in the matter than to obtain damages to be used for the purpose that his counsel had submitted to them; but he (Mr. M.) would ask them, altogether independent of the right of comment by defendants on remarkable trials, whether some benefit might not arise to the community from being put on its guard against such a man? He would ask them whether they would not endorse, as he did, the evidence of Mr. Tait, that if his statement were true, then plaintiff was not a fit man to whom to entrust the teaching of children. He would ask them whether they, unless under the pressure of a very great necessity, would commit their their children to the teaching of a man who could commit such crimes without the pressure of any temptation. It might be that down in Van Diemen's Land, where teachers were scarce, such a one would be employed; but none could say that he was a man to whom to entrust the teaching of children, or the celebration of the offices of religion. No father of a family could have confidence in him, or trust him with the care of the young and innocent. But he felt quite sure that it would only be insulting their common sense to take up their time any longer, and he would therefore merely press on them that if compelled to give a verdict against the defendants, they would only give the plaintiff nominal damages.

The Chief Justice, in summing up, said there were two or three topics of public importance bearing on this case, that he would like to say a few words upon. In the first place, he entirely agreed with the remarks made by counsel on each side, as to the deep importance of permitting some time at least to be considered as that at which a man should be deemed to have expiated the offence of his youth or of some former time, and for which he had suffered. He thought that not only was this a matter of importance, but also that it was the duty of every man who had a feeling for others, or an interest in the country, to see that this rule was rigorously complied with. He thought it almost inhuman to cast back into a man's face, after years of probation and good conduct, and after bringing up a family in the paths of virtue—regretting his crime, and not desiring others to speak of it in any other way than as a crime; and who, having suffered the penalty of it, should, nevertheless, have the memory of it cast before him and before the world—to harrow his feelings, and the feelings of his wife and children, and of all those who were his friends and acquaintances. Such a thing was monstrous. Nothing but the most deep and overwhelming necessity, such as he could hardly conceive it possible to occur, would ever justify it. If there was no time at which it could be considered that a man's good conduct could be hung up as a veil to conceal his former misdeeds, where would be the hope of reformation? If a man who passed through a long ordeal of appearance before his fellow men in endeavouring to perform his social duties, and having done so, was not to be allowed to enter into competition with his fellow men for employment, there would be an end to all reformation. To-day, however, they had not this case before them, but they had a new phase of the law of libel; one of which nothing of the same nature had previously been presented to his mind, and had certainly never come before a Court of justice. This was not one of the cases for which our libel law was most humanely, though most unwisely, passed. It was not the dragging to light of the name and the offence of an individual, who had managed to gain a good position by good conduct. The law here was quite sufficient to meet such a case. If a person whose crimes were notorious in England, and who came out here, changed his name and endeavoured to pass into a new and honest mode of life, would not any man be a ruffian who would drag that man forward and proclaim to the community that he was the celebrated criminal of such a trial? It would be cruel and monstrous, and therefore the law said that truth should be no defence unless the publication of the truth was for the benefit of the community. He was going on to say that if they found any trace of design on the part of defendants, and as they were the publishers of the paper they must be taken to be liable for the libel—for the purpose of dragging to light the plaintiff and identifying him with the Dr Bailey of whom so much was said and written, then he agreed with counsel that scarcely any amount of damages would be heavy enough. But in the case put before them to-day there was nothing to show this, nothing to show that the defendants were in any way connected with this publication signed by H. K. James. Of whether there was any thing wrong in that publication, they could form their own opinion; but, whether or no, the defendants were in no way connected with it. Neither were they shown to be members of the Church of England, or in any way responsible for it. There was nothing to show that the defendants knew that the Dr. Bailey of whom they spoke here was at that time resident in this colony; or that he was the particular W. F. X. Bailey residing on the South Head Road. There was some evidence that defendants had been in connection with W. F. X. Bailey, but there was nothing but an inference of plaintiff himself that they could have known him to be the same person about whom Townsend had written a book. That, however, was only plaintiff's opinion, and the question was—was it the opinion of the jury that when they received a letter signed "W. F. X. Bailey, Sydney High School, South Head Road," they must have concluded him to be the Dr. William Bailey, formerly of St. Peter's, Westminster? Supposing the defendants not to have known, then came the question whether it was lawful to publish of some notorious convict anything that might very fairly be said of him, if the man happened by chance to be living in the same street with you? That was an entirely new state of things, and raised a question that he had never before been called upon to decide. Suppose one of these persons whose names were now familiar to us as great criminals were to commit, and that to illustrate some position, an editor or a public speaker referred to them, then would arise the legal question that he was now called on to decide, and which he believed was now, for the first time, raised in a court of justice,—that if this were done, the person could go to an attorney's office, and at once commence an action of libel. This was virtually the position in which this action stood unless it had been shown that the intention of defendants was to libel not the Dr. Bailey referred to in the article, but the individual living on the South Head Road. No doubt they turn out in the end to be one and the same, but the question was, did they know it at the time? His opinion—and he gave it with diffidence, for he might be wrong—was that an action would lie in this case, and that the plaintiff could maintain his action. It was with some reluctance that he stated the law, which the jury were bound to take from him; for it might be that only some two or three persons who knew defendant in Van Diemen's Land guessed from their knowledge of the fact that he had been transported there that the plaintiff was the party alluded to. Mr. Tait, however, was led to suspect the connection between the individual alluded to and the plaintiff, and satisfied himself by asking the question. But in action case the action lies, and the question was what damages should be given. Now he did not hesitate to say that this action was one that it was altogether shocking to see brought into this Court. Plaintiff had stated in the box, and admitted that he was this infamous individual alluded to. He had declared himself to be this infamous person, and yet he told them that he had a wife and child to whose ears all this must come! Was it possible that they could have listened to all these details of crime without pain and distress? He himself was shocked that this action should have been brought. It never ought to have been brought; and whoever advised it was one of the worst friends that plaintiff could have had. It was shocking to contemplate that knowing, as he must have known, that he would have to make these painful, miserable disclosures, he should still have gone on, instead of letting the matter drop. Whilst he thought strongly upon such cases as he had alluded to at the outset, there were other cases in which the crimes were of so deep a dye that their perpetrators ought never afterwards to launch out into the deep, but keep close within the shelter of the shore. Such a case was that of plaintiff's. He had been a clergyman, to whom was entrusted the great and important function of pointing out to all within his influence the way to eternal life; and who, instead of leading them upwards to heaven, had dragged them down to the place of punishments. He could not help saying that such conduct was as infamous as could well be imagined—a minister of the gospel making use of his congregation by inducing them to perjure themselves! He admitted that they offered to swear what was false, but denied that he had proposed to them to do so, and admitted that he took down himself the perjured evidence. He admitted that he had perjured himself, and that he had uttered the forgery. And yet after all this he came into this Court, and, as it were heralding and trumpeting his own infamy, demanded damages at their hands, when if he had had any consideration for himself or his character he would have been silent. They must give a verdict for plaintiff, and give him damages, but what amount was for them to say after considering the evidence.

Mr. Darvall submitted that his Honor should tell the jury that whether the defendants did or did not know the plaintiff to be the person alluded to, the question of damages was to be measured not by that knowledge but by the damage the article was likely to produce upon plaintiff.

The Chief Justice had not said that it was not so; but the man might have damages awarded to him in accordance with the character he showed himself to possess. The jury would consider first what damages they would give to a man of good character, and second what they would give to a man of no character—one being a man of unblemished life, the other a man of such infamous conduct as plaintiff had described.

Mr. Sheppard: Did your Honor say that a man could not redeem his character in twenty years?

The Chief Justice: I do not say that; but a man who brings an action of this kind submits his character to the jury, and in this submission the jury may look at all the circumstances of the case.

The jury retired, and after the absence of more than an hour, returned into Court, and stated that ten out of the twelve had agreed. By consent the verdict of the ten was taken, and this was for the plaintiff, damages £100.

The Court then rose.

BANCO COURT.

Before Mr. Justice Wise and a jury of four.

DAVIES AND ANOTHER V. BYRNES AND OTHERS.

The trial of this case, which commenced on Monday, and lasted the whole of that and the two following days, was resumed and concluded.

The case was one which created a great deal of interest, and during its progress the Court was more than usually filled, notwithstanding that at the same time other cases were going on in the Jury Court in which much general interest was felt.

The action was for breach of contract. The plaintiffs were Messrs. Ernest Charles Davies and Aubrey John Somerville, trading under the name, style, and firm of Davies and Somerville. The defendants were Messrs. James Byrnes, William Byrnes, and William Frederick Bassett, trading under the name, style, and firm of Byrnes, Bassett, and Company.

Mr. Darvall, Q.C., and Mr. Darley appeared for the plaintiffs; and Sir William Manning, Q.C., and Mr. Stephen for the defendants.

The plaintiffs were Queensland squatters. The defendants were stock and station agents, carrying on business both in Sydney and Rockhampton, "Byrnes, Bassett, and Company" being the name of the firm in Queensland, and "J. and W. Byrnes and Co." the name of the firm in Sydney, in which latter Bassett was not a partner. The plaintiffs complained that the defendants, by dishonouring certain orders which they had agreed to pay, had caused the forfeiture of plaintiffs' stations in Queensland and had entailed other heavy losses upon them. Damages were laid at £10,000. The defendants admitted the non-payment of the orders in question, but averred that the plaintiffs had not been ready and willing to perform certain conditions precedent—constituting their part of the contract.

The breach forming the subject matter of the suit was substantially set out in the first count of the declaration, and was this:—The plaintiffs, it was averred, held a license from the Crown, for the occupation for pastoral purposes of certain Queensland stations. In order to entitle them to continue in such occupation and to obtain a lease, it was necessary, under the Queensland regulations, that the plaintiffs should, on or before the 8th of April, 1863, stock these runs with sheep or cattle in the proportion of a given number to each square mile of country. The defendants, it was alleged, had notice of these facts, as also of the fact that their breach of contract, hereafter mentioned, would render the stocking of the runs in due time impossible. It was further averred that, knowing the facts, the defendants agreed to advance £3500, or rather to honour drafts for that sum under the following conditions:—1. That plaintiffs should lay out this sum of £3500 and a sum of £1000 then in their possession in the purchase of sheep and other property to be placed on the stations. 2. That the plaintiffs should give the defendants a security by mortgage over the property so purchased and of the stations. 3. That the plaintiffs should appoint Mr. Edwin Daintrey their attorney for the execution of this mortgage. 4. That the plaintiffs should send to the defendants all necessary information to enable Mr. Daintrey to act as the attorney of the former in this matter. 5. That plaintiffs should pay the defendants certain interest and commission. 6. That plaintiffs should make and deliver to defendants two promissory notes in favour of the latter for £3500, each payable at six months after date. 7. That plaintiffs should send to defendants a letter from Aubrey John Somerville (one of such plaintiffs), stating that he had instructed his brother in Great Britain to pay a sum of £1500 to Messrs. Smith, Preston, and Co., merchants, of Liverpool, the agents of the defendants, on account of the latter.

The advance was to be made by the defendants, it was alleged, by honouring orders of the plaintiffs, to be drawn at three days' sight on Messrs. James and William Byrnes and Co., Sydney, to the extent of £3500 and upwards. Relying upon this promise, and having performed, or being ready and willing to perform, all the necessary conditions precedent, the plaintiffs drew five orders in favour of Messrs. Landsborough and Paterson, for the several sums of £600, £1026, £1334, £85 17s., and £45 - in all £3090 17s. These orders were given to Landsborough and Paterson for the purchase of sheep to stock the station, and were duly presented, but were dishonoured.

By reason of this breach plaintiffs had not only, it was averred, been unable to get the sheep and to stock their station, but had become liable for damages to Landsborough and Paterson. They had also not only forfeited the runs which were of great value, but had been compelled to pay license fees, wages, and other expenses, all of which were lost.

A second count of the declaration set out precisely the same state of facts in reference to another order in favour of John Forsyth for £180, in payment for a dray and bullocks. There were counts of trover and detenue for the promissory notes of the plaintiffs already mentioned and ordinary money accounts for £1500 received by Smith, Preston, and Co., of Liverpool, in 1863, as defendants' agents.

The defendants pleaded that they "did not promise" as alleged; also, as to the breaches, that the plaintiffs were not ready and willing to purchase sheep for the stations. To the ordinary counts there were the usual pleas of general denial—"never indebted," &c.

The plaintiffs were both young men. Davies had had, it was stated, between eight and nine years' experience as a squatter in Queensland. Somerville more recently from England, had been taken by Davies as a partner. Somerville had £1000 in hand, and was in a position, it was said, to command £1500 more. Throwing his capital into the concern he was admitted to participate in the result of Davies' experience and exertions. Davies, after several explorations in search of squattages (being out four months on one occasion and three months at a time on two others), had obtained licenses for two hundred square miles in what was called the Mitchell country. This (which he had himself discovered) was called the Douglas Dale station, comprising two blocks called respectively "Brisbane," and "Perplexed," each of ten miles square. The run it was estimated by Davies would, when stocked, be worth £2500 at least. Davies threw in the run, of which he was licensee, as equivalent to Somerville's £2500. To obtain a lease, however, it was necessary, under the Queensland regulations, that the run should be stocked before the 8th of April, 1863. But the amount of cash at the command of the plaintiffs being insufficient for the stocking of the run they proposed to raise the necessary additional funds on the security of the run itself, and of such stock as should be purchased. Mr. Davies came to Sydney, and was introduced to the defendants' firm by Mr. Augustus Morris. He saw Mr. James Byrnes, who after hearing the particulars, expressed his willingness to undertake the business, and referred Mr. Davies to Mr. Chubb, their managing clerk of the defendants' firm. The contract between the plaintiffs and defendants was based upon the following letters which subsequently passed between the parties:—

No. 1.

BYRNES, BASSETT, AND CO TO DAVIES AND SOMERVILLE.

Victoria Chambers, Sydney, 14th October, 1862.

Dear Sirs,—The following we understand to be the arrangement subsisting between us:—Should you not close with Mr. Gibbs, respecting your country in the Mitchell district, viz., that we agreed to honour your orders at three days' sight upon J. and W. Byrnes and Co., Sydney, to the extent of three thousand five hundred pounds, provided that this sum and the sum of two thousand five hundred pounds now in your possession, be expended in the purchase of sheep, &c., &c.; and that we have security by mortgage over the whole of the sheep thus purchased, together with your country before alluded to, and it is understood that before any orders are drawn, proper power of attorney and all necessary information to enable it to be executed, shall have been sent to us, as also full description of the sheep and other property purchased. Our charge for this allowance will be interest 9 per cent per annum, and a commission of 2½ per cent. in next balance due to us each half-year. You will also please to return to us at once the blank promissory note duly signed by yourselves.

We are, dear Sirs, yours truly,
BYRNES, BASSETT, AND CO.
Pro T. C. Chubb.

No. 2.

DAVIES TO BYRNES AND CO.

Rockhampton, 23rd October, 1862.

Dear Sirs,—On arriving at Rockhampton I found Mr Somerville awaiting my arrival. I explained to him the arrangements I had made with you upon his and my own account, showing him the power of attorney to Mr. Daintrey; also, your letter to us.

Owing to the very hurried manner in which I left Rockhampton, only having had about a quarter of an hour's notice before the steamer left, it appears I misunderstood Mr. Somerville upon one point, and have, in consequence, misled you, for which I can only tender my apologies and explain the matter to you, at the same time hoping it will not make any material difference in our arrangements. I left Rockhampton under the impression that Mr. Somerville had £2500 at present in his hands, but it seems that £1500 of that is now in England in his brother's hands, who will forward it when so instructed by Mr. Somerville, so that in point of fact we have at the present moment only one thousand pounds of available cash. Mr. Somerville and myself called at Mr. Bassett's office yesterday, but found he had unfortunately left Rockhampton on a visit to Port Denison, so that we could not explain the matter to him, and he will not be back until the middle or end of next week; however, we hope to hear from you by the return steamer, so that we may know how to proceed, as, of course, until then we shall not draw upon you either for stock, drays, or supplies. Mr. Somerville, of course, guarantees the sum of £1500 to be sent out in six months at farthest.

In the meantime, until we hear further from you, we shall confine ourselves to looking up some good teams. We have a very good lot of ewes (4000) offered at a reasonable figure, with the lambs given in, which we think of purchasing should they prove upon inspection to be as good as they are represented to be. Rain is much wanted up here, as in the interior there has been scarcely any to speak of for the last fifteen months. Trusting to hear from you at your earliest convenience,

I remain, dear Sirs, yours very truly,
ERNEST C. DAVIES.

P.S.—Upon further consideration, I defer sending you the power of attorney, together with the promissory notes, until I hear from you, as it would be useless to do so should the altered state of my arrangements not fall in with your views.—E. C. D.

No. 3.

BYRNES AND CO., TO DAVIES AND SOMERVILLE.

Messrs. Davies and Somerville,—Your favour of the 23rd is duly to hand. In reply, we beg to say that we are willing to make you the same amount of advance as before stipulated for, and in the same terms, provided that with the other papers you send us a letter from Mr. Somerville stating that he has instructed his brother in Great Britain to pay the sum of £1500 to our agents, Messrs. Smith, Preston, and Co., merchants, Liverpool, on our account.

We are, dear Sirs, yours truly,
BYRNES, BASSETT, AND CO.
Per T. C. Chubb.

No. 4.

DAVIES AND SOMERVILLE, TO BYRNES, BASSETT, AND CO.

Rockhampton, 10th November, 1862.

Dear Sirs,—We are in receipt of your last letter per Boomerang, in which you state that you are willing to make the advance we require, upon certain conditions. Mr. Somerville has written you upon the subject, and he has also written to his brother in England, requesting him to do as desired by you.

We enclose the power of attorney, together with the two promissory notes, and are now upon the eve of starting to inspect some sheep offered us for sale, and hope soon to be upon the road for our destination. You will hear further from us by next mail.

We remain, dear Sirs, yours truly,
DAVIES AND SOMERVILLE.

P.S.—We enclose you also our several signatures, witnessed by Mr. Booth.—D. and S.

No. 5.

SOMERVILLE TO BYRNES, BASSETT, AND CO.

Rockhampton, November 9, 1862.

Sirs,—In compliance with your wishes, as stated in your letter of 1st November to Mr. E. Davies, I beg to inform you that I have by this mail written to my brother, Mr. Augustus Somerville, begging him to place in the hands of Messrs. Smith, Preston, and Co., Liverpool, the sum of £1500. I feel no doubt the sum will be duly received by your friends.

I am, dear Sir, yours faithfully,
AUBREY JOHN SOMERVILLE.

[The promissory notes and power of attorney were duly sent as mentioned in the foregoing letters.]

There was a good deal of discussion during the progress of the case as to the legal construction of this contract, or, in other words, as to what really was the contract deducible from the before-mentioned documents read and construed as a whole in connection with each other. His Honor expressed an opinion at an early stage of the trial that the expenditure of the plaintiffs' £1000 in "sheep," &c., and of the money for which the defendants were to be drawn upon, was a condition precedent. That is to say, that the plaintiffs were bound to expend their own £1000, and also to purchase (although of course not absolutely to pay for) the sheep to stock this run before they could call upon the defendants to pay their drafts for £3500. Also that they were bound as a condition precedent to such payment to send all the particulars of their purchase, &c., for the mortgage. But as to the £1500, their part of the contract was sufficiently fulfilled by transmission of the letter from Aubrey John Somerville, stating that he had requested payment of this sum to defendants' agents, at Liverpool. Whether this £1500 was or was not the property of Aubrey John Somerville would not, according to the opinion which his Honor then expressed, affect the question.

In point of fact the £1500 was duly paid to defendants' Liverpool agents—Smith and Preston—by the Honorable Mrs. Somerville, widow of the Honorable and Rev. Mr. Somerville and mother of the defendant, Aubrey John Somerville. It was paid by Mrs. Somerville as on account of her son Augustus, but was credited in account to J. and W. Byrnes and Co., of Sydney, against consignments by Smith and Preston to that firm. J. and W. Byrnes and Co. were duly advised of the payment of this sum, and in acknowledging the receipt of it they treated it as so received on account of Aubrey John Somerville. For the purposes of this action J. and W. Byrnes and Co., Sydney, were regarded as identical with Byrnes, Bassett, and Co., of Queensland. About a year afterwards Mrs. Somerville and her son Augustus claimed the £1500 back upon the ground of its having been invested on behalf of the latter, exclusively, as he, at the time of its payment, contemplated a partnership with his brother, and had subsequently abandoned this intention. This was one matter of defence. But it was contended by plaintiffs' counsel that, as the money had been paid unreservedly to the use of Aubrey John Somerville, there could be no legal claim to restitution; and that this was a mere effort on the part of Somerville's relatives to get the money back when they found that he had been ruined by the defendants. Consequently, that the defendants were not entitled, when pressed for restitution by plaintiffs, on whose account they had received it to resist this restitution upon any such ground. At a subsequent stage of the case, however, as will be seen, it was clearly shown that the £1500 had never been really the property of Aubrey Somerville, but was money advanced at the instance by his brother Augustus, on the understanding that on the consideration of this payment he should have a half interest in the share of Aubrey.

Mr. Davies positively stated that Mr. J. Byrnes was made, when undertaking the business, to understand that unless the run was stocked within the period already named the lease would be lost. Davies went down to Queensland, he said, relying upon the arrangement which he had made, and he and his partner went on to make their purchases. They laid out about £800 in horses, drays, &c., and about £200 more in stores. They also made purchases of sheep, in payment of which they drew orders upon Byrnes and Co., to whom they sent the following letters of advice of these purchases:—

No. 6.

BYRNES AND CO TO DAVIES AND SOMERVILLE.

Victoria Chambers, 20th November, 1862.

Dear Sirs,—Your favour of the 10th arriving, per power of attorney, two promissory notes, and letter from Mr. Somerville, is duly to hand. We should be obliged by your sending the fullest particulars of the sheep bought to insert in the mortgage. Did we give your Mr. Davies an order book—if not we will send one, if you will tell us where write to you.

Dear Sirs, yours faithfully,
J. AND W. BYRNES AND CO.,
Per T. C. Chubb.

No. 6.

DAVIES AND SOMERVILLE TO MESSRS. J. AND W. BYRNES AND CO.

Rockhampton, 26th November, 1862.

Dear Sirs,—Since writing to you by the last mail we have been up the country to inspect some sheep at the station of Messrs. Landsborough and Paterson. We have purchased from them 4120 sheep, more or less, to be delivered in all December, of the following description and at the prices mentioned below, viz.,

1360 ewes, from 2 to 6 years ... 1160 lambs, fit to wean by the 15th December, given in, at 24s. ...	£1632
1620 maiden ewes, at 17s. ...	1377
Total ...	£3009

The ewes and lambs are a very fine flock—the latter, at present rates, being, I should say, worth at least 10s. per head, which would bring the price of the ewes to 14s., so that upon the whole I do not think that they are at all a dear lot; the lambs are all fine, strong, large lambs, and by the time they are weaned will be pretty nearly as large as their mothers. The maiden ewes are also a very fair lot of sheep, and look remarkably healthy and strong; they averaged in the clip 2½ lbs., which is pretty heavy, more particularly as the wool is of good quality. We have purchased one bullock dray and team of twelve, with gear complete, for £180; they are good cattle, all young and the pick out of about forty head. We have also purchased in conjunction with Mr. Booth, two American waggons, together with about fifteen draught horses, in which Mr. Booth holds a half share. He also undertakes the management, &c., being bound per agreement to do all the carrying for our station in preference to any other, after which all that he may make by carrying for other people, will be for our joint benefit, by which means we hope to be able to clear all or nearly all our cartage up to the Mitchell, which would, under the ordinary system of bullock-teams, make an enormous item in our yearly expenses. We hope to start out of town about next Monday with our road supplies. We shall go straight up to Mr. Landsborough's, and start with the stock as soon as we get some rain; but at present the country is so very dry, from the continued drought, that it would be madness to attempt moving. We have, during our late journey up the country, managed to mislay the copy of our signatures sent down by last mail, so that we are rather embarrassed as to how we should sign our cheques upon you. However, not having had occasion up to this to draw upon you, and to prevent accidents, we again enclose you them, and, should there be any difference between the first sent and these, pray allow the enclosed to be considered the right ones. We shall be probably drawing upon you during the coming month.

We are, dear Sirs, yours truly,
DAVIES AND SOMERVILLE.
Per ERNEST C. DAVIES.

No. 7.

DAVIES AND SOMERVILLE TO J. AND W. BYRNES AND CO.

Raglan, 2nd January, 1863.

Dear Sirs,—We have drawn upon you the following cheques in payment for sheep bought of Messrs. Landsborough and Paterson.

No. 1 In favour Landsborough and Paterson ...	£600	0	0
2 Ditto ditto ditto ...	1026	0	0
3 Ditto ditto ditto ...	1334	0	0
4 Ditto ditto ditto ...	85	17	0
5 Ditto ditto ditto ...	45	0	0
	£3090	17	0

They will, in all probability, be forwarded by this mail to Mr. Landsborough, who is now in Sydney, and will be presented by him for payment. You must excuse our adding any further particulars in this, as we have had but five minutes' notice of any one going down to Rockhampton. We shall write more at large by next mail, and remain,

Dear Sirs, yours truly,
DAVIES AND SOMERVILLE,
Per ERNEST C. DAVIES.

According to plaintiffs, a letter with fuller particulars had been sent, but it was positively sworn that no such letter had ever come to hand.

The defendants having refused to pay the orders, sent the following letter in reference to such refusal:—

No. 8.

J. AND W. BYRNES AND CO. TO DAVIES AND SOMERVILLE.

Sydney, 16th January, 1863.

Dear Sirs,—We regret to have to advise having refused your orders, but if you will refer to our letter of credit, you will see that we distinctly state that your money was to be expended; instead of which, you draw on us for the whole amount of the cost of the sheep, and do not send particulars. We are quite willing to pay your orders for the cost of the sheep, less £1000—that is for about £2000, but in the way you have drawn it, it would appear we are to find all the money.

We are, dear Sirs, yours, truly,
J. AND W. BYRNES AND CO.,
Per T. C. Chubb.

Other letters passed between the parties, but those which have been here given were the most material as affecting the question at issue.

The plaintiffs had not only purchased the sheep in question, but had actually taken delivery of them. But there had been some understanding with Landsborough and Paterson that, in the event of there being any hitch as to the payment of the orders which was not then anticipated, the sheep should be returned. On receipt, therefore, of advice that the payment of the orders had been refused, the progress of the sheep towards the plaintiffs' station was arrested. Davies started first for Rockhampton, and then for Sydney; but, being unable to make any arrangement for payment of the orders, the sheep were returned.

Landsborough and Paterson had made a claim for damage to the sheep, by driving, &c., which plaintiffs had promised to pay when they were able. This was the liability referred to in the declaration. But evidence of damage under this head was objected to and rejected on the ground that there was no legal responsibility to Landsborough and Paterson. Either the latter had made a contract at the outset to take back the sheep in the event of the orders being dishonoured, or, having completed the sale and made actual delivery, had barred all further claim by taking the animals back. Evidence of outlay in the shape of wages for driving the sheep, &c., was also rejected.

There had been a purchase of some rams, of which, according to defendants, no particulars had been sent nor any particulars as to outlay for bullocks, stores, &c.; according to plaintiffs, some of these had been sent in the letter already mentioned, which had never come to hand.

The plaintiffs had ordered goods to the amount of some £400 or £500 more, but they managed after the refusal of their drafts to stay the execution of these orders. On the re-sale of the stores, &c., not more than half their original cost was realized.

Mr. T. C. Chubb formerly managing clerk to the defendants, was placed in the box as a witness. The plaintiffs' counsel had made it part of their case, that the reason assigned by the defendants for not having honoured the plaintiffs' orders was a mere pretence. That the true reason was their inability from want of capital to honour these orders, and that it was an aggravation of the wrong which they had done the plaintiffs', that they had not candidly acknowledged this inability at once, returning their securities, and aiding the plaintiffs to get the money from some other mercantile house, so that they might pay for their sheep, and stock their run in time. A question which was sought to be asked of Mr. Chubb to carry out this line of defence, was objected to, and upon that objection the question as to whether this line of defence was fully discussed. The question was "whether the firm had funds in hand or to its credit from which these orders could have been met." His Honor held that evidence of this nature was inadmissible, inasmuch as the *reasons* for which a breach of contract, (by the dishonour of the orders) had been committed, could not affect the plaintiffs' claim to damages for such breach. That claim would be complete on proof of the breach itself. If on inquiries of this nature the state of a defendant's finances were minutely investigated, it would be only necessary to bring an action for breach of contract against any firm of the highest standing in order to rake up and investigate the state of their finances for years. In reference to this particular case, and to the effect of the evidence sought to be given, his Honor assigned as an additional reason for rejecting such evidence that a principle upon which the business of stock and station agency was conducted was a matter of notoriety, and that, consequently, Judges could not be supposed to be ignorant of it. This was, that such a business was conducted upon a basis rather of credit than of capital. That a large business might, in fact, be carried on with very little cash provided that the firm so carrying it on was able, from its credit, and from the funds which came to hand from time to time in the course of such business, to meet the orders of its constituents.

At a subsequent period of the transaction between these parties, when repayment of the £1500 (then ascertained to have been paid) was demanded, there was an offer from J. and W. Byrnes and Co. to pay over £1200, provided £300 was left in their hands to meet any possible demands by the firm at Rockhampton (the defendants). A cheque was drawn for £1200, which was handed over to defendants' attorneys, Messrs. Daintrey and Chapman, with a view to its being transferred to the attorneys for the plaintiffs, Messrs. Want and Slade. The latter had pressed repeatedly for repayment of the £1500, and had been promised. But this promise was not a positive one, and was only made by defendants' attorneys on the assumption that what was stated on the other side was true. Plaintiffs' attorneys had resisted the proposal to retain £300, but had not absolutely rejected it, and were in expectation of an offer in writing. Neither the offer in writing nor the cheque, however, reached the plaintiffs' attorneys. It was proved that the cheque was returned to Mr. Chubb, but as to why it was so returned there was no evidence. It was sought to be shown that it was because there were no funds to meet it, but the evidence was rejected, and there was no proof whatever to sustain such an assumption. And it appeared that somewhere about this time Byrnes and Co. were advised through their Liverpool agency of the claim by the Honorable Mrs. Somerville and her son Augustus.

The evidence of the witness Chubb was given with manifest fairness, and, considering the lapse of time since these transactions, with great clearness. Its accuracy was in no way impeached on either side. Mr. Chubb's testimony was confirmatory in most respects of that given by Mr. Davies. But at the same time it went to show that the refusal of the orders was Chubb's own act, and that they were refused upon three grounds: First, that the plaintiffs had not sent full particulars of the sheep purchased as they were bound under the contract to do, ere they could call upon the defendants to pay the orders. Secondly, that the money said to have been expended for the purchase of stores, &c., was in excess of the proportion which ought, out of £4500, to be spent for such a purpose, and that there was a proportionate diminution of the amount available for the purchase of the sheep and of the defendants' security. In other words that there was nothing to satisfy him that plaintiffs had expended £1000 of their own (as he considered them bound by their contract to do) in sheep or other station property available as security for Byrnes and Co.'s advances. And going roughly with Mr. Davies through an estimate of the money expended otherwise than in the purchase of sheep, they were still unable to account for £1000 thus spent. Thirdly, that by entering into an arrangement with a Mr. Booth for the purchase of American waggons and horses, and for the establishment of a carrying business in which Booth was to have a half share, the plaintiffs had departed from their contract. Upon these points Davies had given to Chubb substantially the same explanations as he gave during the trial of the cause. As to the first ground of objection, he averred that particulars had been sent. As to the second, that much over £1000 had been spent. All the expenditure was necessary, and that the funds had been economically laid out. That the sheep were well and cheaply purchased, and that the security was ample. As to the third, that the facts were these:—At a cost of about £400, plaintiffs had bought two American waggons and fifteen horses. These were to be employed in the general business of carrying, under the superintendence of Mr. Booth. But Booth was to do all the plaintiffs' carrying, and plaintiffs, as his partners, were to get half the profits of this work, as of all carrying for other parties. And at the same time it was distinctly understood that Booth should have no property in the waggons and horses, and that they should be included in the mortgage to defendants. The interview between Davies and Chubb, after the refusal of the orders, took place on a Saturday. Chubb, after hearing his explanation, proposed to reconsider the matter. But, according to Chubb, there had been no actual request that Davies should not go to another house and try and get the money. Davies stated that there had been such a request, and that an expectation had been held out of payment if Mr. Byrnes should be satisfied with the explanations, but that the refusal was persisted in. Davies went to one other house to try and raise the money, but was told that it was then too late, as there was not sufficient time left to get the sheep to stock the run, and to make all necessary arrangements for repayment of such advances as he might obtain. Feeling the force of the objection, he made no other applications, but returned to Queensland, having first placed his case in the hands of Messrs. Want and Slade.

The station forfeited by the defendants, in consequence of its not having been stocked in time, was taken up by H. T. Gregory and Co., and one of the members of that firm proved that in April, 1862, when they thus obtained it, it was worth £3000. The state of the law in Queensland, and the regulations under which plaintiffs were bound to stock the run by a given date, were proved partly by reference to the law and regulations themselves, and partly by the evidence of Mr. Davies, which was admitted as that upon laws relating to squatting, of "a skilled witness," inasmuch as, from the nature of his pursuits, he was supposed to be conversant with these laws.

The promissory notes signed by plaintiffs were produced. No use, it appeared, had been made of them. A claim for interest was proved to have been made. Evidence was also given as to the rate of re-exchange.

Mr. James Byrnes swore positively that Davies did not speak of the imperative need to have the land stocked before April, in order to obtain a lease, until after payment of the orders had been refused. This refusal was the act of Chubb, and was done for the reasons already stated by that witness. Mr. Byrnes had simply concurred in the refusal. But he had thus concurred most fully. An attempt was made to give evidence as to what had passed between Byrnes and Chubb in reference to the refusal of the orders. The apparent object of this was to rebut any presumption that this refusal had arisen from mere want of ability to pay, by showing that the plaintiffs' breach of their part of the agreement was the real as well as ostensible cause of such refusal. This evidence, however, like that in support of the presumption it was intended to rebut, was rejected. In his address to the jury for the defence, Sir William Manning strongly repudiated the charge that want of means had been the cause of defendants' refusal to pay these orders. On the contrary, it had, he contended, been solely in consequence of the plaintiffs' breach of their contract.

Mr. Bassett was also called for the defence, and his evidence slightly conflicted with that of Mr Davies as to what had passed between them. Nothing, however, turned upon these differences.

A great deal of evidence which had been taken in England under a commission was put in. Its general effect was to prove the following facts:—1. That the £1500 paid to the Liverpool agency was not the money of Aubrey Somerville (who had had £2000 from the estate left by his father—apparently his full share), but of his brother Augustus. 2. That it was remitted on Aubrey's application, coupled with a distinct proposition that it should be invested, on Augustus' account in the station wherein Augustus was to have a fourth share, *i.e.*, half the share of his brother. 3. That this representation was coupled with an invitation to Augustus to come to the colony and take an actual share in the management of the concern. 4. That that money was paid to defendants' agents in the name of Augustus Somerville. 5. That after hearing of the differences between the plaintiffs and defendants, coupled with an intimation that no money had been actually advanced by defendants on account of this £1500, Mrs. Somerville and her son Augustus claimed its restitution of Preston and Co., of which claim the latter duly advised the defendants, suggesting that if no payments had been made on account of the £1500, they should send Mrs. Somerville a bank draft for the amount. Upon these facts, it was contended, the defendants had naturally and properly kept back the money to cover any liability to Mrs. Somerville under which they might be held to lie.

After the close of the evidence on both sides, his Honor stated to counsel his view of the contract as deducible from a legal construction of the letters. This was substantially the same as he had already intimated, and as he afterwards stated it in his charge to the jury. Its general effect was that there ought to be a verdict for defendants on the first count, inasmuch as plaintiffs had not completed their part of the contract. But he thought that a strong case had been made out under the money counts. At this time, as well as at earlier stages of the case, there was some discussion as to whether there should be any amendment of the pleadings. No amendment was, however, made. The plaintiffs' counsel contended that the question as to what was intended by the contracting parties should be sent to the jury as a matter of fact, subject, of course, to a review of their finding by the full Court. His Honor, however, was of opinion that the construction of the contract was a question of law as to which he was bound to give, according to his own view of that question, a positive direction of the jury.

The jury were addressed at considerable length by counsel on both sides. Sir William Manning contended that there had been a clear breach of contract on the part of the plaintiffs, and that as to the £1500 the defendants were not only here entitled, but bound to retain it, to abide the claim of Augustus Somerville. Mr. Darvall, on the other hand, argued that this money could only be treated as the defendants had all along treated it—as the property of the firm. As to the contract, the learned gentleman contended against the interpretation put upon it by the learned Judge. He maintained that the plaintiffs had fulfilled all the conditions precedent imposed upon them, that there had been a clear breach on the part of the defendants, and that the jury, with whom was the final settlement of the question, ought to find a verdict in accordance with this—the plain and common-sense view of the case,—notwithstanding the interpretation put upon the contract by his Honor.

His Honor, in summing up, intimated his concurrence in the expression of surprise which he had heard, that this case had lasted so long. But it was difficult, he said, to apportion between one side and the other the responsibility for this prolongation. And in cases like the present, which not only involved liability for a large sum of money but questions affecting character, there was a natural anxiety on the part of counsel to leave no stone unturned by which the result could possibly be influenced. They had to deal here with two separate heads of enquiry which stood upon totally different footings, and he must crave the very particular attention of the jury while he referred to the first. This was a question of contract. The law was administered upon certain fixed principles. One of these was that those who entered into contracts should perform them. If a person made a foolish contract he must abide by it. Courts and juries had nothing to do with questions of folly or with questions of hardship, but had simply to see that each contracting party fulfilled his obligations. He regretted that he should have to repeat these elementary propositions. It was often necessary to lay down elementary principles here on which no Judge in England was ever required to charge a jury. This need probably arose from the fact that peculiar notions got abroad, of which counsel took advantage to press juries to adopt a particular view of the cases wherein they were concerned. The contract, as declared upon, was this—that the defendants were to make certain advances, and that the plaintiffs, having obtained those advances, were to expend them in a particular manner. The money was to be advanced before it was thus applied. If any squatting agents chose to make such a contract as one engaging to advance £3500 to people living 500 miles off on condition that they should promise to expend this, when received, and a further £1000, in sheep, and to give a mortgage on the whole, this contract, however foolish it might be, would have to be enforced. He would say nothing as to the probability of any business man making such a contract. But he could imagine the delight of squatters on finding a firm ready to advance money in this way, and he should fancy that such a firm would get a very large business. The contract was comprised in the following passages:—First, (From the letter No. 1, of 14th October, 1862): "We agreed to honour your orders at three days' sight upon J. and W. Byrnes and Co., Sydney, to the extent of three thousand five hundred pounds, provided that this sum and the sum of two thousand five hundred pounds now in your possession, be expended in the purchase of sheep, &c., &c., and that we have security by mortgage over the whole of the sheep thus purchased, together with your country before alluded to; and it is understood that before any orders are drawn, proper power-of-attorney, and all necessary information to enable it to be executed, shall have been sent to us, as also full description of the sheep and other property purchased. Our charge for this allowance will be interest 9 per cent. per annum, and a commission of 2½ per cent. in next balance due to us each half year. You will also please to return to us at once the blank promissory note duly signed by yourselves." Secondly, (From the letter No. 3): "We beg to say that we are willing to make you the same amount of advance as before stipulated for, and in the same terms, provided that with the other papers you send us a letter from Mr. Somerville stating that he has instructed his brother in Great Britain to pay the sum of £1500 to our agents, Messrs. Smith, Preston, and Co., merchants, Liverpool, on our account." The modification was in consequence of Davies's explanation that the £1500 was not actually in hand, but would have to be procured from England. The defendants could not be held liable upon any contract not legally deducible from these documents. He must say he deeply regretted that a counsel of such eminence as Mr. Darvall—a gentleman from whom the Court ordinarily derived so much assistance—should have deemed it his duty to use language which no counsel of his standing in England would have used in the presence of any judge. He regretted that Mr. Darvall should have deemed it his duty to use a line of argument at variance with principles of law, which that learned gentleman could not be supposed to have forgotten. The interpretation of contracts depended upon fixed principles, which he (the Judge) could not allow to be departed from without neglect of duty. It was for the Judge alone to interpret the written contract. If he was wrong he could be set right on appeal. It was the duty of the jury to adopt and to act upon this interpretation, and to decide the questions of fact. Yet the jury had, in the present case, been almost asked to set this principle at defiance; to hold that the view taken by himself (the Judge) was an incorrect one; and, taking the interpretation of the contract into their own hand, to decide the question at issue against the direction which he should give them. The learned Judge then proceeded to cite several authorities to show that the principle which he was laying down was one which had been thoroughly settled. In particular he referred to a case in the Court of Exchequer, confirmed in the House of Lords (the court of final appeal), in 1841. In this case the principle in question had been most clearly settled. These authorities showed that it was the duty of the Court to interpret a written contract, and that if a judge were to cast that duty upon a jury the verdict would, on that account be set aside. But where in the document or documents to be interpreted there were any technical terms, or other words of which the meaning was not plain, the jury would be asked to define that meaning as a question of fact. The judge, then, would read the words according to the meaning which the jury had put upon them and interpreted the document as a whole. Thus, where the terms, "good and fine," as applied to a particular article, were used, the jury were asked to determine what would come within this definition. The same course had also been pursued in a case where the words "business' purposes" had been used in a contract. In the present case there were no doubtful terms in the documents containing the contract. Its interpretation was, therefore, wholly for the Court. Innumerable other cases might, his Honor said, be cited to sustain the view which he was impressing upon the jury. It had also been positively settled by the Supreme Court, which had set aside two verdicts in a case where two successive juries, under pressure, probably of counsels' addresses—had chosen to place a wrong construction upon a contract. It was the duty of the jury therefore to act upon his direction as to the meaning of the contract now in question. He had expressed his opinion upon it at an early stage of the case with a view to an amendment of the record, but no such amendment had been applied for. They must deal with the case, therefore, as it stood. The contract as set out in the record, and as insisted upon by the plaintiffs' counsel was that, in consideration of the plaintiffs laying out a certain sum, sending certain documents, and making certain promises, the defendants would honour plaintiffs' orders to a given amount; that plaintiffs had performed these conditions and made these promises, and that defendants had nevertheless refused to pay the orders. The plaintiffs, having alleged that this was the contract and breach which formed the basis of their claim, must stand or fall by it. They said that his (the Judge's) view of the contract was wrong, and relied apparently upon the concurrence of the jury in that view. He hoped, however, that the jury would not be led away from the simple duty which they had to perform. He was bound to tell the jury that the contract which had been proved was a different one from that which had been alleged, and that their verdict upon this issue ought to be for the defendants. The contract alleged was that the defendants were bound to make the advance of £3500 before that amount was expended. His (the Judge's) interpretation of it was that the plaintiffs were bound to purchase the sheep and to send particulars of their purchase before they were entitled to call upon the defendants to pay their orders for the amount in question. It might, at first sight, appear strange that the plaintiffs should have, under this contract, to make purchases to the extent of the money to be advanced ere they received the loan. But if such was the legal interpretation of the contract into which they had entered, that interpretation must be sustained. Practically, however, they knew there would be no difficulty; as, on the production of the authority from their agents to draw, there could be no doubt that they would readily be permitted to purchase sheep on credit. The jury would, he had very little doubt, have come to the same view as he had done on the contract by reading the letters for themselves. But it was his duty to direct them as to the legal interpretation of these documents, and it was their duty to act upon his direction. His duty in this respect was done, and although, of course, he could not compel them to find a verdict in accordance with his direction, he did not suppose that they would set it aside to act upon a view of the contract directly contrary.

Mr. Darvall expressed his full and entire concurrence in what had been said by his Honor as to the relative powers of the Court and jury in the interpretation of written contracts, and his regret that in the warmth of an address to the jury he should have urged anything contrary to the principles which his Honor had enunciated. Now, however, that his Honor had expressed a most positive and distinct opinion in reference to the meaning of the contract, he (Mr. Darvall) would ask leave either to amend the declaration to meet his Honor's view of the case, or to enter a *nolle prosequi* as to the first two counts of the declaration, and go to the jury on the money counts, as to the £1500.

Some discussion took place upon this application. The idea of amendment was almost immediately abandoned, and that of entering a *nolle prosequi* as to the first two counts, and going to the jury for the £1500, adhered to. The impression of his Honor and of counsel on both sides was that the plaintiffs had a right to do this. Sir William Manning, however, declined to give any formal consent to this course proposed. His Honor permitted the *nolle prosequi* to be entered, and the consideration of the two first counts was therefore withdrawn from the jury. As to the question of costs, it was intimated by his Honor that if plaintiffs succeeded on the money counts, the defendants would be in the same position as if, coupled with such success, there had been a verdict for themselves (the defendants) on the two first counts.

His Honor, in reference to the admissions by Mr. Darvall, said these admissions were very gratifying to himself as a Judge and as an individual, and highly honourable to the learned gentleman who had made them. The admission of Mr. Darvall—publicly, frankly, and generously made—that in his zeal for his client he had somewhat outstepped what was due to the Court, deserved the best thanks of himself as Judge, and served as another proof of the high honour of the Bar—a proof that the aim and object of the gentlemen of that profession was to maintain the law in its integrity, and not alone to strive for the attainment of particular results. The jury, as well as himself (the Judge), were now released from the further consideration of the meaning of this contract. The second question, to which he would proceed to direct his attention, was one of a very different nature. The plaintiffs claimed a sum of £1500 and interest thereon; and to see whether they were entitled to it, it would be necessary to go back to the commencement and trace the history of the transaction. There was one mode of viewing the case in reference to this question which might materially assist the jury, but which had not been touched upon on either side. Let them suppose that the contract had been carried out—that there had been no hitch—that the orders had been paid, the sheep purchased, and the mortgage granted. In such a case, how would the £1500 have been dealt with? Would it have been regarded as a part of the partnership capital of Davies and Somerville, or as the individual property of Somerville in trust for his brother Augustus. As to this part of the case they had a good deal of parol evidence, and the parol evidence being coupled with the written documents. It was for the jury to consider the whole and to determine its effects. The contract was between the defendants on the one hand, and Davies and Somerville on the other. Its object was to provide Davies and Somerville with a station and sheep. The defendants contracted in the first instance on the assumption that Davies and Somerville had £2500 of available cash, but it was subsequently explained by Davies, acting for the firm, that £1500 of this had to be obtained from Somerville's brother in England. After receiving this explanation, the defendants agreed to go on with the business on the same terms as before, provided they received a letter from Mr. Somerville stating that he had instructed his brother to pay the £1500 to Smith, Preston, and Co. The letter was sent and the money paid. There was no dealing with Augustus Somerville, nor any recognition of him by defendants as a member of the firm. On the contrary, in answering Mrs. Somerville's letter, the payment was treated by defendants as having been made for the use of her son Aubrey. It was in evidence that the defendants had, through Mr. Chubb, agreed to repay this money, provided they were allowed to retain £300 in hand to meet the contingency of any demands by the Rockhampton firm. This again was a dealing with the money in question as the money of Davies and Somerville. If the money had been the property of one partner only they would have had no right to impound any of it to pay the debts of the firm. It was for the jury to say whether or not the conduct of the defendants amounted to an admission that the money in question belonged to the firm of Davies and Somerville. Settlements of accounts were not conclusive if they admitted of explanation. It was the practice of mercantile men in settling accounts to use the letters "E and O E," signifying, according to general understanding, "errors and omissions excepted;" but if they omitted these letters it would still be open to them to explain their accounts if they admitted of explanation. The final refusal of defendants to pay the amount in question was in consequence of the claim for it which had been made by other parties in England, and it was easy to understand how, under such circumstances, the defendants should, for their own protection, decide not to pay to either claimant until the right

National Library of Australia http://nla.gov.au/nla.news-page1475624

of such claimant to it had been legally established. Where there had been strong observations imputing not only breach of contract but personal misconduct, it was natural that there should be an anxiety to prove that there had been no such misconduct. Hence the lengthy evidence of the claim from England, and the defendant's natural refusal to give up the money until the right to it was legally decided upon. If the jury found that the money was the property of the firm the plaintiffs would be entitled to their verdict. The claim for interest could be settled afterwards. Upon the counts for trover and detenue no question had really been raised.

A juror (Mr. Hurst) enquired whether if Davies and Somerville had become insolvent the £1500 would have been so fully their property as to pass to their official assignee with the rest of their estate.

His Honor replied that this was exactly the same question as they were called upon to determine, although put in a different shape. If the money was so fully the property of Davies and Somerville as that the defendants were bound to refund it to that firm, it would pass, in case of insolvency, to their official assignee.

The jury, after having retired for about a quarter of an hour, returned with a verdict for plaintiffs for the £1500. To this £130 was added for interest, the sum being fixed by consent, and subject to the opinion of the Court as to whether interest was recoverable.

HUGHES V. LATTIN.

This was an action for work and materials. The plaintiff was a brickmaker, and the defendant the lessee of the Fitzroy Iron Works. The former had been employed to make fire-bricks for the latter, and claimed a balance of £33 2s. 9d. The defendant admitted the claim, but pleaded a set-off to a greater amount.

Mr. Salamons and Mr. Innes appeared for the plaintiff, and Mr. Dalley for the defendant.

The set-off was for money paid for rent, for firewood, and for certain jewellery said to have been purchased by plaintiff of one Lears, then storekeeper at the works. Lears was indebted to the defendant, and it was sworn that, in selling the jewellery to plaintiff, he had done so on the understanding that, on a settlement of accounts, plaintiff was to pay the defendant for the articles thus sold. As to this the plaintiff's case was, that he had purchased from Lears alone, that, finding the articles to be inferior to what they had been represented, he had returned them, and that Lears had taken them back. The receipt of the money he denied. As to the claim for rent and firewood, he declared that he was entitled, by custom, to quarters, and firing free of charge, and that these demands were not made until after he had preferred the present claim, and insisted on a settlement.

The jury found a verdict for plaintiff for the full amount claimed—£33 2s. 9d. There was a claim for interest, and this having been calculated at 15s., that sum was added to the amount paid by the jury.

On the application of plaintiff's counsel, his Honor directed execution to issue in four days.

WHITMORE V. WHYTE.

The trial of this case was postponed until to-day, Friday, owing to the detention of one of the parties at Newcastle.

INSOLVENCY COURT.

THURSDAY.

BEFORE the Chief Commissioner.

Plans of distribution were confirmed, on the motion of Mr. Sempill, in the estates of Thomas Walsh and Abraham Polask.

In the estate of the Tomago Coal Mining Company, an adjourned first meeting. Five debts were proved. A debenture holder claimed to prove on his debentures, but did not value his security, which, his affidavit stated, extends over the whole of the property of the company in common with the other debenture holders. After hearing counsel, the Chief Commissioner said that he considered a debenture holder to be simply a preferential creditor, and that he must place a value on his security, with leave to amend it at any future time. The claim was thereupon withdrawn. The first meeting closed; and a second was postponed until the date of the third meeting, but to take precedence thereof.

Before the Registrar.

In the estate of Charles Barker, a single meeting. Neither the insolvent nor any creditor appeared. The official assignee reported.

MEETINGS OF CREDITORS.

Friday, August 12.—Charles Beaver, James Ross, second, Colin M'Lachlan, William C. Knight, M'Phail and Campbell, first.

METROPOLITAN DISTRICT COURT.

THURSDAY.

BEFORE Mr. District Judge Dowling.

COLEMAN V. WILKINSON.

This was an action to recover the balance of an account, £14 17s., for work and labour done. The plaintiff was employed by defendant to make chairs of various kinds, and according to his account he made six gross, for which he ought to have been paid £114 17s. The amount received, however, was £98, and he now sued for the balance. On a previous occasion he sued the foreman of the plaintiff, and, in consequence of suing the wrong person was nonsuited. Defendant pleaded a set-off, and denied that the number of chairs made by plaintiff was as stated by him. Having proved from his books that the plaintiff had been paid for all the work he had done, defendant obtained a verdict. Mr. Cory for plaintiff, Mr. S. C. Brown for defendant.

WHITFIELD V. LAMB AND ANOTHER.

This was an action by an electioneering agent to recover from defendants the amount of an account rendered, some £14, alleged to be due to him for services rendered during the candidature of Mr. J. H. Atkinson, for the representation of Central Cumberland in the Legislative Assembly, in May and June, 1863. The defendants—Mr. J. P. Lamb and Mr. S. Bennett—were members of Mr. Atkinson's committee. The case was precisely similar to that brought by one Kearney in the April sittings of the Court, in which he succeeded in obtaining half the amount claimed. The present case was partly heard before Mr. Cheeke in the July sittings, and plaintiff was nonsuited on the ground of conflicting evidence. The question at issue was whether the defendants, acting as committee-men for Mr. J. H. Atkinson, appointed the plaintiff as a paid agent. The plaintiff produced some written documents containing resolutions, in one of which he was appointed agent at 15s. per day. This he alleged was adopted at a meeting of the committee, at which the defendants were present; one of the defendants—Mr. Lamb, who acted as secretary to the committee—denied that he had ever seen these documents before, and both denied that they were at any meeting such as that deposed to by plaintiff, when it was alleged that the resolutions were adopted. Mr. S. C. Brown, for defendants, submitted that plaintiff had never been appointed as a paid agent, but that his services were understood to be gratuitous in consequence of his commercial transactions with Mr. Atkinson. Mr. Windeyer, for plaintiff, submitted that the defendants could not have regarded plaintiff's services as gratuitous, as Mr. Lamb had promised to pay the claim as soon as he had got the money in; and further that he had held himself out as a paymaster by advertising that all claims against Mr. Atkinson's election were to be sent in for liquidation. Verdict for plaintiff, as against Mr. Lamb, for £14 5s. 6d.; for the defendant, as against Mr Bennett.

CURTIS V. BAIRD.

Plaintiff sued to recover the sum of £8 13s 3d. for goods sold and delivered. Defendant pleaded a set-off of money due to him. Plaintiff produced a receipt in full of all demand from defendant, but he (defendant) stated that he signed this at the request of plaintiff, who promised to pay him in instalments. Verdict for plaintiff, £8 11s. 3d.

POPE V. MORTIMER.

Plaintiff claimed £7 10s., the balance of an account rendered for a quantity of onions and jars of jam, sold and delivered. Verdict for plaintiff.

EASTWICK V. DAVIS.

This was a claim for services as a pianist at a concert hall in Pitt-street. It appeared that plaintiff was employed by a third person, for whom defendant acted as agent, but he averred that he did not make himself responsible for plaintiff's wages. Plaintiff nonsuited.

TAYLOR V. HAY.

This was an action to recover a month's rent of a house let by plaintiff to defendant, at the rate of £110 per annum, and for money expended in cleaning the house. It appeared that the defendant took the house in question for six months, and at the expiration of that time he entered upon another term of six months at the rate of £100 per annum. On the day before the expiration of the second six months he left the house and gave up the key to plaintiff, who told him he should claim a month's rent because he had not given him a month's notice. Defendant swore that there was no agreement to give a month's notice. With regard to the state of the house, defendant brought witnesses who swore that the house was quite as clean when he left it as it was when he entered upon occupation. Verdict for defendant, for whom Mr. W. Roberts appeared; Mr. Hellyer for plaintiff.

WEAVER V. M'DONALD.

Plaintiff sued to recover damages for services rendered in drawing plans for a riding school. Defendant proved that he did not engage plaintiff to perform these services, but averred that he simply introduced to plaintiff a friend of his, for whom the plans were drawn. Verdict for defendant.

JOHNSON V. ROSE.

In this case there was a dispute about a week's rent. Defendant paid £1 in advance upon taking a house from plaintiff, for which, as he averred, plaintiff gave no receipt. Upon leaving the house, plaintiff claimed from him £1 as the last week's rent. Verdict for defendant.

CENTRAL POLICE COURT.

THURSDAY.

BEFORE the Police Magistrate, with Messrs. Levey, Birrell, and Smithers.

Of twelve prisoners brought before the Court, six were discharged.

John Kirby and James Pitt were found guilty of having illegally cut down certain trees, of the value of 20s., on land at Ashfield belonging to William Henson, and were sentenced to pay a penalty of 10s. each on pain of forty-eight hours' imprisonment.

Ann Miley, having been found drunk, was apprehended; and, failing to show the Bench, upon being required to do so, that she has any means of support, was sentenced to be imprisoned one month. Sidwell Prendergast, Julia Bland, and Ellen Price, under similar circumstances, were sentenced to be imprisoned seven days.

On the summons paper were twenty-six cases, seven of which were not proceeded. The remainder were proceedings by the municipal officers, conducted by the City Solicitor, for violations of the Police Act, and of the by-laws for the regulation of carriages plying for hire. Eleven shopkeepers were fined 5s. each, and one 10s., for obstructing the footways with their show goods. Three persons were fined 10s. each. and one 20s., for breaches of the byelaws; and in another case, for the recovery of a fare, an order was made for the amount claimed, with the addition of 4s. by way of compensation for loss of time. In Oatley v. Uhde, for causing a calf to be slaughtered in an unlicensed place, the defendant was fined 50s. Hugh M'Carney, found guilty, on the prosecution of Michael M'Kihinay, of having carelessly driven a horse team, was fined 4s. 6d.

WATER POLICE COURT.

THURSDAY.

BEFORE the Water Police Magistrate, with Mr. S. Cullen, Mr. S. H. Pearce, Mr. T. Skinner, and Mr. J. Williams.

In the summons case Maria Murphy v. Ann Cornelius, plaintiff, seeking to recover a balance of wages, £5 18s., due to her for domestic services in defendant's employ, defendant was ordered to pay the amount claimed with costs.

James Smart, a seaman belonging to the ship Spray of the Ocean, was found guilty of wilful disobedience of lawful commands, and sentenced to fourteen days' imprisonment with hard labour.

John Booth was ordered to pay to Thomas Hill the sum of £15, a balance of wages due to plaintiff for services as engineer in defendant's employ.

A charge by Andrew Nelson against George Wilson (of brig Rita), for assault on the high seas, and a charge by Thomas Buff against James Smith, his apprentice, for absence from indented service, were withdrawn. Margaret Morgan, accused of deserting her male child (an infant about three months old, which, on Saturday night, was left on the doorstep of a house in Macquarie-street); and Jane Berne, accused of stealing a gold ring, the property of Julius Hamburger, were discharged. In two cross summons cases (assault) Mary Divort, Teague Divort, Mary Divort, Margaret Chinnery, and Margaret Isbester, being connected therewith, there were no parties. The cases Robert Harrison v. James Conway, alleged illegal detention of property; and Caroline Kendall v. Thomas Rice, a servant suing for wages, were dismissed.

LAW PROCEEDINGS THIS DAY.

SUPREME COURT.

JURY COURT.—Special Juries of Twelve.—Katzenstein and others v. Franck and others. [This case is not to be actually tried until Monday next. It will be necessary for all the gentlemen on the panel to attend, in order that the jury may be struck; but all who are not then sworn in the case will be discharged).

BANCO COURT.—Whitmore v. Whyte; Whitmore v. Whyte; Brooks v. Duxbury and another; Egbury and another v. Osborne and others; M'Culloch v. Kirschbaum; Leahy v. Bryen.

IN EQUITY.—Before his Honor the Primary Judge, at eleven o'clock.—Motions and Petitions.—Broughton v. Rodd, part heard; Prince v. Body and others, hearing; Jones v. Walker and another, demurrer.

MASTER'S OFFICE.—Cohen v. Monaghan, particulars and conditions of sale; re M'Loughlin, an infant, minutes; re Hyland, an infant, report; Ireland v. Lucas, minutes; re Inch, particulars and conditions of sale; Riordan v. Hellyer, particulars and conditions of sale.

SYDNEY DISTRICT COURT.

NEW TRIAL MOTION.—Daly v. Doherty.

CAUSE LIST.

3509 Jenkins v. Collins	3568 Sherlock v. King
3517 Larter v. Cunningham	3572 Kiss v. M'Keown
3523 M'Culloch v. Collins	3579 York v. Rain
3527 Crawley v. Shipman	3588 Harris v. Moss
3534 Foulis v. Gallagher	3591 Woolley v. Levien
3538 Rishworth v. Bruyers	3593 Woolley v. King
3542 Mackenness v. Greer	3598 Woolley v. Love
3564 Chatto v. Reynolds	3599 Woolley v. Wyld
3565 Hamilton v. Hamilton	3600 Woolley v. Dean
3567 Wait v. M'Phial	3602 M'Carroll v. Kendall.

HEALTH OF SYDNEY.

JULY, 1864.

THE number of births registered in July was 224, viz.:—126 males and 98 females, being the average of the corresponding month of the previous four years, and 95 in excess of the deaths of the month.

The deaths numbered 129, viz.:—59 males and 70 females, being 8 below the average of the month of July, in the years 1860 to 1863. Miasmatic diseases were most prevalent, and bore a proportion of 29·45 per cent. to the total deaths. The number arising from scarlatina, was again large (17). Diseases of the nervous and respiratory systems were fatal in 32 cases. As regards the mortality in the several divisions of the Municipality of Sydney, it will be observed that Fitzroy ward retains its character for insalubrity, and shews the highest proportionate death rate, being 25 58 of the aggregate number of deaths. Macquarie ward is below the average of the locality, 6 deaths only having been recorded during the month.

The infantile mortality was at the rate of 34·11 per cent. of the total deaths, the lowest per centage during the corresponding month of the preceding four years, as will be seen by the following table:—

	Under 5 years.	Total deaths.	Per-centage of deaths under 5 years to total deaths
1860...	128	222	57·65
1861...	35	92	38·04
1862...	36	100	36·00
1863...	51	139	36·69
1864...	44	129	34·11

The mean temperature, as registered at the Sydney Observatory, was 53·2, and the ozone in the atmosphere 5·2. The highest reading of the thermometer in the shade (66·3) was on the 14th, and the lowest (40 4) on the 10th. 8 015 inches of rain fell during the month, on 8 days of rain.

TABLE showing the Deaths of Males and Females registered in each Ward from 1st to 31st July, 1864, distinguishing those under 5 years of age.

Ward.	Under 5 years. Males.	Under 5 years. Females.	Above 5 years. Males.	Above 5 years. Females.	Unspecified. Males.	Unspecified. Females.	Total.
Gipps	4	1	4	3	1	1	14
Bourke	2	...	13	8	...	...	23
Brisbane	1	2	6	5	...	...	14
Macquarie	...	1	...	4	1	...	6
Cook	3	3	1	6	1	...	14
Fitzroy	5	8	5	15	...	...	33
Phillip	3	5	1	2	...	...	11
Denison	3	3	5	3	...	...	14
Totals	21	23	35	46	3	1	129

RETURN of Births and Deaths registered in each of the Registry Districts forming the Metropolitan Division, during the month of July, 1864.

District.	Births. Males.	Births. Females.	Births. Total.		Deaths. Males.	Deaths. Females.	Deaths. Total.
1.—Sydney	126	98	224	...	59	70	129
2.—Balmain	11	9	20	...	4	4	8
3.—Glebe	8	5	13	...	4	6	10
4.—Newtown	6	6	12	...	2	3	5
5.—Redfern and Botany	26	23	49	...	16	6	22
6.—Paddington	13	14	27	...	3	8	11
7.—Concord	5	2	7	...	1	1	2
8.—St. George	17	5	22	...	3	5	8
9.—St. Leonards	6	7	13	...	3	...	3
Total	218	169	387	...	95	103	198

TABLE showing the classification of diseases which were fatal to both sexes under and over five years, and the proportions per cent. of deaths from each cause in Sydney, during the month of July, 1864.

Class.	Causes of Death.	Under 5 Years.	Over 5 Years.	Total.	Proportions per cent.
I.	Zymotic Diseases	13	25	38	29·46
II.	Constitutional Diseases	2	16	18	13.95
III.	Local Diseases	16	31	47	36·43
IV.	Developmental Diseases	12	3	15	11·63
V.	Violent Deaths	1	5	6	4·65
	Causes not specified	...	5	5	3·88
	All causes	44	85	129	100 00

Class I.—Zymotic Diseases.

Order 1. Miasmatic Diseases.—Scarlatina, 17; diphtheria, 1; croup, 1; typhus, 6; metria, 2; dysentery, 6; diarrhœa, 3; ague, 1; rheumatism, 1.

Class II.—Constitutional Diseases.

Order 1. Diathetic Diseases.—Gout, 1; dropsy, 1; cancer, 3.
" 2. Tubercular Diseases, — Scrofula, 2; phthisis, 9; hydrocephalus, 2.

Class III.—Local Diseases.

Order 1. Diseases of Nervous System.—Cephalitis, 3; apoplexy, 5; paralysis, 2; convulsions, 8; brain disease, 4.
" 2. Diseases of Organs of Circulation.—Heart disease, 5.
" 3. Diseases of Respiratory System.—Laryngitis, 1; bronchitis, 4; pleurisy, 1; pneumonia, 1; lung disease, 5.
" 4. Diseases of Digestive Organs.—Gastritis, 1; enteritis, 2; peritonitis, 2; hepatitis, 1; liver disease, 1.
" 5. Diseases of Urinary Organs.—Nephritis, 1; ischuria, 1.
" 6. Diseases of Organs of Generation.—Uterus disease, 1.

Class IV.—Developmental Diseases.

Order 1. Dev. Diseases of Children.—Premature birth, 8; teething, 2.
" 2. Dev. Diseases of Adults.—None.
" 3. Dev. Diseases of Old People.—Old age, 3.
" 4. Dev. Diseases of Nutrition.—Atrophy and debility, 6.

Class V.—Violent Deaths.

Order 1. Accident or Negligence.—Fractures and contusions, 3; wounds, 2; drowning 1.
" 4. Suicide.—Cuts and stabs, 1.
Causes not Specified or Ill-defined.—5.

Total Deaths—Males, 59. Females, 70. Total, 129.

CHRISTOPHER ROLLESTON, Registrar-General.
Registrar-General's Office, Sydney, 5th August, 1864.

JOHNNY GILBERT.—"Who knows?" as the Spaniards say, might be pertinently applied to a report which circulates throughout town that Gilbert, the bushranger, has sought the fancied security of this dangerous harbour for bushrangers. Does the gentleman who so confidentially proclaims the presence of this notorious freebooter know that £1000 is set upon his head, and that he has only to invoke the aid of the local police, or follow the example heretofore set in the case of Fegan, to reap that substantial reward. While not presuming to aver that Gilbert is not here, we may justly recall to the recollection of our readers former statements on the subject, which any time since the capture of Gardiner have affirmed that his faithful imitator has been secreted in those districts. Has no one the public spirit to trace such yarns to their fountain head, or does there exist any one amongst us who can derive satisfaction from the invention of fictions on such a subject.—*Rockhampton Bulletin*, August 2.

TIMBER.—We beg to call attention to the sale of a cargo of New York dressed timber, advertised by Messrs. L. E. Threlkeld and Co., for this afternoon, at 3, on Campbell's Wharf.—ADV.

WE are requested by Messrs. Chas. Moore and Co., to direct the attention of warehousemen, drapers, storekeepers, and the trade to their continuation sale of drapery, clothing, worked muslins, felt hats, reel cotton, tapes, &c., this day, at 11 o'clock, at their Rooms, Pitt-street.—ADV.

HIGHLY Important Sale by Auction, This Day, at 11 o'clock, at the residence of Mr. Levy, 281, George-street.—We are requested by Messrs. Bradley and Newton to direct special attention to their sale this day of magnificent rosewood drawing-room furniture, superb porcelain and Dresden china ornaments, pianoforte by Collard and Collard, pier glasses, chandeliers, lustres, automaton, birds, bedroom furniture, china, glass, platedware, &c. For particulars, see advertisements. The trade are requested to attend.—ADV.

SHIPPING.

ARRIVALS.—AUGUST 11.

Otago (s.), 900 tons, Captain Smith, from Nelson 6th instant. Passengers—Mr. G. Wilkie and 5 in the steerage. I. R. M. Co., agents.

City of Melbourne (s.), 1000 tons, Captain D. Walker, from Melbourne 9th instant. Passengers—Mr. and Mrs Tindale 4 children and 2 servants, Rev. A. Thompson, General Murray, Mrs. C. Bennet, Councillor Brown, Messrs. J. West, C. E. Bright, S. Woolf, W. Fosbery, W. Jerful, and 31 in the steerage. A. S. N. Co., agents.

DEPARTURES.—AUGUST 11.

Barwon (s.), for Melbourne.
Telegraph (s.), for Brisbane.

PROJECTED DEPARTURES.—AUGUST 12

Vibilia, for Melbourne; Camilla, for Hobart Town; Kate Swanton, for Petropaulovski; Boorowang, City of Brisbane (s.) for Brisbane; Native Lass, for South Sea Islands; Windhover, for Port Cooper; Roderick Dhu, for Auckland; Tomatin, for Wallaroo; Black Dog, St. Joseph, for New Caledonia; Xanthe (s.), for Newcastle.

CLEARANCES.—AUGUST 11.

St. Joseph, ship, 597 tons, Captain Pallier, for Calcutta. Passenger—Mr. Pothin.

Merrie Monarch, ship, 1367 tons, Captain Uren, for Callao, in ballast.

Xanthe (s.), 579 tons, Captain Scott, for Auckland, via Newcastle, in ballast.

COASTERS INWARDS.—AUGUST 11.

City of Newcastle (s.), from Morpeth, with 60 bags maize, 9 casks tallow, 6 bales wool, 2 bales skins, 19 pigs, 3 calves, 2 coops fowls, 2 cases eggs.

COASTER OUTWARDS.—AUGUST 11.

Pomona, for the Hawkesbury.

IMPORTS.—AUGUST 11.

Otago (s.), from Nelson: 2299 oz. gold, Union Bank; 12 bales wool, Order.

City of Melbourne (s.), from Melbourne: 7 cases, 2 bales, Thompson and Co.; 2 trunks, J. Springthorpe; 59 bags pepper, A. Fairfax and Co.; 1 case, Smith and Etheridge; 52 trunks, P. J. Myers; 49 cases kerosene oil, J. Beal; 5 bags pins, M'Quarie; 4 packages billiard tables, A. Stewart; 7 packages galvanized iron, W. Wright; 2 cases, Levick and Co.; 2 boxes, Brush and Mac Donnell; 3 cases, Hyam and Co.; 3 bags, 1 case, Law, Somner, and Co.; 6 cases, W. Maddock; 2 cases China tobacco, Sin Guong Lee; 12 cases, 1 bale, Keep and Parsons; 4 cases, Cook and Co.; 8 packages, T. Fox and Co.; 1 trunk, J. and A. Callaghan and Co.; 2 boxes, S. Dhumister; 117 chests tea, 1 case cigars, 72 boxes candles, 50 packages, Order; 280 boxes candles, 19 packages boots, 1 trunk, 1 case, A. S. N. Co.

EXPORTS.—AUGUST 11.

Alexandra (s.), for Rockhampton: 2 quarter-casks brandy, 2 hogsheads 1 quarter-cask rum, 2 packages tobacco, 10 cases old tom, 168 bags sugar, 44 packages tea, 120 bags flour, 97 packages, Frazer and Co.; 25 cases geneva 2 quarter-casks 20 cases whisky, 2 hogsheads rum, 3 hogsheads, 50 cases brandy, 2 quarter-casks 45 cases wine, 20 cases whisky, 20 cases claret, 25 casks porter, 25 cases ale, A. Joske; 2 packages opium; A. Tange and Co; 1 quarter-cask wine, Herring and Manton; 1 package opium, Molison and Black; 112 bags sugar, 2 packages, Palser and Cowlishaw; 12 packages tea, 16 bags sugar, 45 packages, S. A. Joseph; 15 packages tea, 11 packages, Watkins and Leigh; 4 hogsheads sugar, 3 packages tea, Stewart and Co.; 11 casks porter, 9 casks ale, Walford and Sparke; 48 mats sugar, Colonial Sugar Company; 24 carbines, 7 packages, J. Keep; 3 casks ale, 2 packages, S. Bennett and Co.; 8 quarter-casks rum, 4 quarter-casks brandy, 4 quarter-casks 63 cases wine, 8 packages, Macdonald, Smith, and Co.; 18 packages, Stewart and Co; 11 packages, J. Paton; 11 packages, Peterson, Boesen, and Co.; 4 packages, Davey and Hunter; 2 cases, C. Moore; 12 packages, M'Nab; 5 bales hay, Robinson; 86 boxes, 29 packages, Rabone, Feez, and Co; 2 packages, R Corkan; 1 case, Marshall; 10 bags flour, 10 bags rice, 3 packages, Ah Teak; 19 packages, Lorimer, Marwood, and Co.; 12 packages, C. Newton, Brother, and Co.; 1 case, Prince, Ogg, and Co.; 1 case, E. T. Penfold; 7 packages, Elliott, Brothers; 6 packages, J. Barlow; 4 packages, R. Bailey; 15 packages, F. Lassetter; 3 packages, Keep and Parsons; 3 packages, W. Short; 4 cases, J. Sands; 6 cases, S. Zollner; 20 bags maize, W. H. Holmes; 20 packages, L. Sharwood and Co.; 1 case, J. Graham; 3 packages, Alderson and Sons; 3 cases, S. Hoffnung and Co.; 2 cases, T. Edens, 6 cases, A. A. Lackerstein; 118 bags maize, 9 packages, W. Renwick; 7 packages, R. Iredale and Co.; 1 case, Goodlet and Smith; 3 packages, Hyam and Co.; 1 package, R. Gray; 4 packages, R. Elliott; 1 boiler, D. Cohen and Co.; 30 bags potatoes, 12 bags maize, 4 kegs, 10 packages, Graham and Mulholland; 20 bags rice, Franck, Brothers, and Gans; 50 bags flour, Moore and Co.; 1 cart, 1 package, J. Graham; 1 case, W. Maddock; 1 bale, E. Vickery; 20 bags flour, 20 kegs lead, 8 packages, Gilchrist, Watt, and Co.; 7 packages, J. Levick and Co.; 9 packages, J. B. Holdsworth; 1 case, J. and E. Row; 1 case, J. Kohn and Co.; 1 bale, Stewart and Co; 2 packages, C. Tuke; 3 packages, Purchase; 10 horses, 1 dray, 6 packages, Caird, Paterson, and Co.; 10 bags maize, 39 bags potatoes, 13 cases fruit, 1 cart, 20 packages, J. Richards; 1 case, Pinhey; 15 cases fruit, 40 bags maize, 16 packages, G. Young; 1 case, Watt; 1 box, Mountcastle; 7 horses, W. H. Black; 2 packages, Bennett; 35 bags potatoes, 35 bags maize, R. J. Hardy; 2 packages, O'Dowd and Co.

St. Joseph, for Calcutta: 13 horses, 9 bags cocoa, J. Pallier.

SHIPS' MAILS.

MAILS will close at the General Post Office as follows:—

FOR NEW CALEDONIA.—By the Black Dog, this day, at noon, if not underway.

FOR FEEJEES, FRIENDLY, AND NAVIGATORS.—By the Native Lass, this day, at noon, if not underway.

FOR CALLAO.—By the Merrie Monarch, this day, at noon, if not underway.

FOR BRISBANE.—By the City of Brisbane (s.), this day, at 4.30 p.m.

FOR SAN FRANCISCO.—By the Amateur, this day, at 6 p.m.

FOR EDEN AND HOBART TOWN.—By the Tasmania (s.), on Saturday, at 11 a.m.

FOR AUCKLAND.—By the Constance, on Saturday, at noon.

FOR MELBOURNE.—By the Rangatira (s.), on Saturday, at 3.30 p.m.

CUSTOM HOUSE. — Entered Outwards: August 11, Coraki, schooner, 80 tons, Captain Foreman, for Brisbane; Johan Henrick, barque, 165 tons, Captain Siefking, for Melbourne; Pilomela, barque, 316 tons, Captain Ostoiguian, for Corronel.

The Urara (s.) has returned to Newcastle, being unable to get into the Clarence River. She left here on the 5th. The Agnes Irving and Grafton were both lying weather-bound in Newcastle yesterday.

The s. s. Otago left Nelson on the 6th instant, at noon, and arrived here on the 11th, at 1 a.m., having made the run in four days twelve hours. She reports strong S E. gales throughout, with a very high sea and much rain. The day after leaving this port, on the downward passage, she burst the discharge-pipe of the after engine, which caused a delay of thirty hours, during which time she was hove-to.

The annual meeting of the Royal Sydney Yacht Squadron was held yesterday, at the Club Rooms, Exchange Corner, and drew together a large attendance of members. A statement of the treasurers, of the receipts and disbursements of the club for the year ended the 31st July last, was read, showing a satisfactory balance in hand. The meeting proceeded to the election of officers, when the following gentlemen were unanimously elected:—The Hon. William Walker, commodore; Mr. James Milson, vice-commodore; Mr. H. C. Dangar, treasurer; Mr. J. J. Josephson and Mr. J. Grafton Ross, auditors; Mr. G. H. Howell, secretary; with the following committee:—Mr. Burt, Mr. J. D. M'Lean, Mr. Charles Parbury, Mr. Roxburgh, Captain Pockley, and Mr. Wyld. Amongst other topics discussed was that of the trip of the season, which it was thought likely would take place the latter end of September, closing the day with a Club Yacht ball. Several gentlemen were proposed as new members, amongst them the consul for France, Mr. L. Sentis; Mr. Robert Napier, of the Commercial Bank; Mr. George W. Parbury; and, as an honorary member, Sir William Wiseman, Bart, C.B., H.M.S. Curaçoa.

The City of Melbourne (s.) cleared Port Phillip Heads on Tuesday last, at 4 30 p.m. Had fresh east wind to Wilson's Promontory, passing Wednesday at 2 a.m.; thence to Cape Howe fresh N.E. wind and cloudy weather, passing at 10·30 p.m. Sighted the s.s. City of Adelaide thirty miles S.W. of Gabo Island on Wednesday at 7 p.m. The remainder of the passage blew easterly wind and squally unsettled weather, attended with a very confused sea from the eastward; arriving at Company's wharf at 10 p.m. on the 11th instant.

The s.s. Alexandra, for Rockhampton, did not clear the Heads until yesterday morning, having been at anchor all night in Watson's Bay.

The screw collier Star of the Evening tried to enter Wollongong harbour yesterday, but there was too high a sea on, and she bore up for Sydney.

The mail steamer Northam arrived at Hobson's Bay at 5 p.m.; and sailed again for Sydney at 7 p.m. She may therefore be expected here on Saturday night.

THE WEATHER.—Strong breezes with heavy rain from the S.E. and E. have prevailed since the 8th instant, driving up a terrific sea on the coast, and appear to have swept along our sea board, from Cape Howe to north of Moreton Bay, and several of the outward bound steamers have been detained in consequence. Up to the present time no important casualties have been reported. Yesterday afternoon the wind suddenly shifted to the westward, but the rain followed the wind round, and at dark fell very heavily with no indication of taking off.

NEW STEAMER ON THE MURRAY.—A visit to the new shipbuilding yard of Messrs. Linton and Douglas, on the banks of the Murray, about two and a half miles from Echuca, on the New South Wales side, will amply repay those who wish to see the place progress, for the short walk which takes them to the works. There is but one steamer at present on the stocks, although it was but recently that extensive repairs were done to one of our river craft at the same yard; but since the firm commenced business they have been fairly employed in making boats, &c. The yard is under the whole control and superintendence of Mr. James Symmington, an experienced shipbuilder from the mother-country. The steamer measures 80 feet 6 inches in length, with 12 feet 6 inches in beam. In addition, however, she will have what is technically called "guards," or a transome deck, 2 feet wide round the whole of the vessel. The depth of her hold will be 4 feet, and it is calculated that her draught of water, when laden with from 30 to 40 tons, will not be more than 12 inches, so that she will be enabled to navigate our rivers at all seasons of the year. The engine, which will be placed aft, will be nominally 10-horse power, but will in reality be capable of working up to 18-horse power. She will be propelled by a stern-wheel similar to that used in the Riverine and other boats on the river. With regard to the hull of the vessel itself, the plan of construction requires a little special notice. The framework, or ribs, as they are often called, is composed of angle iron, on the plan adopted in the building of several ships at Liverpool in 1849 and 1850. The first vessel built on the principle was the Marian M'Intyre, which proved by her staunchness and sailing quality the excellence and advantages of the substitution of iron instead of the old clumsy wooden timbers and knees. This steamer is built upon exactly the same principle—angle iron frames sheeted with heavy Oregon pine planking, the planking being fastened to the frames with screw-bolts and nuts instead of the old-fashioned method of trenailing. Her model is a perfect picture of marine architecture, her lines being drawn to insure as much speed upon the lightest draught of water possible. The stern, though perpendicular, does not in the slightest degree detract from the graceful entrance of her bow. It cannot be said that she lacks strength in any part, for her backbone consists of a strong keelson of colonial timber, which runs from stem to stern; and being flat-bottomed, the only semblance of a keel she has is one about three inches deep, also of hardwood. When completed she will have a deck-house over her whole length seven feet high, for the accommodation of her crew and passengers, and also for the storage of cargo. Altogether, she reflects the greatest credit on her designer and builder, Mr. Symmington. I forgot to mention that there are a goodly number of hands employed in the yard at various works. They have their own forge, and, in fact, the place has all the appearance of a shipyard upon a limited scale; but as it is the proprietor's intention to build other vessels, no doubt the place will enlarge its boundaries, from time to time, as occasion may require.—*Albury Banner*.

The ship Humboldt, from Puget Sound, bound for Adelaide, was spoken in Bass's Straits, on the 3rd instant, by the Salamander.—*Argus*, August 9.

NEWCASTLE.

ARRIVALS.

August 10.—Camden, barque, 258 tons, Cummins, from Otago, N. Z.

August 10.—Vesta, American brig, 323 tons, Smith, from Otago, N. Z.

August 10.—Grafton (s.), from Sydney.

August 11.—Agnes Irving (s.), from Sydney.

MELBOURNE.

ARRIVALS.

August 6.—Result, from London; Active, Craigievar, Ann Melbuish, Salamander (s.), from Newcastle; Alhambra (s.), from Otago.

August 7.—City of Melbourne (s.), from Sydney.

August 8.—Monarch, Spec, Prospector, Agnes Holt, from Newcastle; Lady Lyttelton, Goldseeker, from Sydney.

DEPARTURES.

August 8.—Wave, Jane, for Sydney.

CLEARED OUT.

August 6.—D'Artagnan, 265, Bresson, for Sydney. Cargo: 73 bags rice, 10 boxes tea, 5 boxes tobacco, 5 boxes cigars, 5 boxes opium, 24 boxes 20 baskets ginger, 100 jars soy, 29 boxes paper ware, 1339 boxes and packages Chinese merchandise, 4 boxes clothing, 49 baskets pickles, 5 boxes bean sticks, 25 baskets cakes, 59 bags 10 packages peas, 2 boxes counting boards, 10 boxes flour, 9 packages provisions, 2 boxes medicine, 1 bag bamboo sticks, and part of original cargo from Bordeaux.

ADELAIDE.

ARRIVAL.

August 7.—Asshur, from London.

DEPARTURE.

August 7.—Summer Cloud, for Sydney.

LYTTELTON.

ARRIVALS.

July 21.—Wild Wave, from Sydney.
July 22.—Parisien, from Newcastle.

NELSON.

ARRIVALS.

August 1.—Otago (s.), from Sydney.
August 5.—Mary Ann, Ellen, from Newcastle.

CUSTOMS IMPORT ENTRIES—AUGUST 11.

2 cases pianos, H. R. Hurford and Co.
44 packages pipe, 12 packages fittings, Constable and Turner
70 bundles wire, 15 packages hardware, 4 cases guns, 9 pairs bellows, 46 bundles spades, 25 kegs nails, 320 bundles iron, 90 drums oil, Rabone, Feez, and Co.
3 cases cigars, H. Chatto.
10 cases pills and ointment, 2 cases stationery, D. and S. M. Levi
1 horse, H. Moore
1 bin malt, R. and F. Tooth and Co.
20 packages drapery, Farmer and Painter
204 packages tea, Montefiore and Montefiore
23 hogsheads 74 quarter-casks wine, 100 hogsheads rum, Scott, Henderson, and Co.
10 casks tallow, 9 bales wool, 2 bundles skins, Tidswell, Wilson, and Co.
42 bales wool, 3933 bags wheat, 10 bags sweepings, 200 empty bags, 5850 bags flour, 50 bags walnuts, Gilchrist, Watt, and Co.
2 cases seeds, H. Browne and Co.
39 packages drapery, Keep and Parsons
30 barrels currants, 25 bundles raisins, 29 packages provisions, Giffard and Bros
20 bales paper, J. Martyn
3 packages platedware, 2 cases cutlery, J. G. Cohen
7 casks oil, 5 kegs nails, J. Keep
2300 oz. gold, Union Bank
1 case skins, Cohen and Levey
13 packages fancy goods, C. and J. Abrahams
50 bales hay, W. Hughes
121 hides, 8 casks tallow, Mort and Co.
99 hides, J. Brewster
7 cases clocks, 2 cases fancy goods, Berens, Levi, and Co.
102 tons ore, M'Donald, Smith, and Co.
1 waggon, Laidley, Ireland, and Co.
2 coils rope, Caird, Paterson, and Co.
7 packages hardware, W. Wood
3 cases woollens, 1 case canvas, J. B. Tickle
8 carriages, 4 bales moss, Holt and Angus
24 barrels 120 drums oil, 3 cases essence lemon, 1 cask brushware, 2 cases seating, 6 cases iron, 1 cask fittings, 63 bundles tube, 80 bundles oakum, 40 cases mustard, 20 bales waste, 50 cases pickles, L. and S. Spyer and Co.
279 packages boots, E. Vickery
3 packages drapery, G. Fox and Co.
2 cases clocks, 4 cases instruments, H. Schilsky
9 cases hats, H. Chatto and Co.
36 bags potatoes, R. J. Hardy and Co.
9 packages boots, Callaghan and Sons
1 case drapery, C. Teakle
85 packages oil, 1 case varnish, 1 bale paper hangings, W. Renny
2 bales paper, 2 cases stationery, W. Moffitt
12 bales wool, J. D. M'Lean
8 bales wool, Morehead and Young
99 boxes plates, 40 drums oil, 354 boxes candles, J. G. Cohen
5 packages tobacco, A. Black
8 packages printing materials, W. R. Gullick
90 bales 8 cases paper, 2 cases books, 5 bales millboard, 3 cases clothing, 1 case maps, F. Macnab and Co.
1147 ballots fibre, Gilfillan and Co.
3 cases hats, Dawson, Eagar, and Co.
2 cases woollens, F Jh. Holle
24 bundles spades, 21 packages ironmongery, 1 cask varnish, 1 case cartridges, 10 casks horse shoes, W. S. Friend and Co.
100 casks cement, J. A. Brown
2000 cases geneva, A. Cohen
7 casks glassware, 4 crates earthenware, Mrs. Coates.
12 cases hats, 30 bars, 400 bags salt, 110 packages drapery, 1 chest shellac, 100 cases brandy, Young, Lark, and Co.
51 packages cottons, 16 cases stuffs, 27 packages clothing, 17 cases hats, 3 bales paper, 4 cases silks, 14 packages woollens, 17 packages haberdashery, 9 packages millinery, 7 packages boots, C. Newton, Brother, and Co.
112 bales hay, J. M'Kanney
175 hides, 2 bales skins, 1 cask tallow, Durham and Irwin
4 cases silks, Hardy, Brothers
6 packages shipchandlery, Lane and Co.

DUTY PAID.

50 casks beer, Learmonth, Dickinson, and Co.
50 cases beer, L. and S. Spyer and Co.
50 hogsheads ale, R. and F. Tooth and Co.

SYDNEY OBSERVATORY.

Latitude, 33·51·41· Longitude, 10h. 4m. 46s.

The time ball is dropped accurately at one o'clock, Sydney mean time, or 14h. 55m. 14s. Greenwich mean time.

[BY ELECTRIC TELEGRAPH.]

MELBOURNE.

ARRIVALS

August 10.—The Oak, Result, Sunrise, from Newcastle; Highlander, from Sydney; Timbo, from Gipps Land; Alice Thornbyke from Valparaiso.

DEPARTURES.

August 10.—Lily, for Adelaide; Ho Hoang, for Guam; Royal Shepherd (s.), for Port Albert; Twentyman, for Port Frederick.

WINDS AND WEATHER.

AUGUST 11, 9 A.M.

Armidale ... S.W. Raining. Bar. 26·200. Ther. 48·
Tamworth ... N.W. Raining, and flooded.
Murrurundi... N.W. Raining.
Newcastle ... S W. Cloudy, heavy showers. Bar. 29 702. Ther. 58·
Mudgee ... S.E. Raining.
Bathurst ... S. Raining. Bar. 27·552. Ther. 53·
Forbes ... S. Raining heavily.
Young ... Calm. Dull, heavy rain.
Goulburn ... Calm. Cloudy, threatening. Bar. 27 600. Ther. 50·
Braidwood ... Calm. Cloudy.
Yass ... Calm. Dull, slight rain.
Gundagai ... Calm. Cloudy, dull.
Wagga Wagga S.W. Raining.
Deniliquin ... N.W. Raining. Bar. 28·408. Ther. 52·
Kiandra ... N.W. Raining.
Albury ... N.W. Thick, cloudy, rain. Bar. 29·224. Ther. 58·
South Head ... S.E. Dull, cloudy.
Sydney ... S.E. Cloudy. Bar. 29·621. Ther. 58 0.
Wollongong ... E. Very light. Fine.
Kiama ... S.E. Dull, and like rain.
Hay ... Calm. Raining.
Queenscliff ... E.S.E. Overcast, hazy. Bar. 29·28. Ther. 51·
Melbourne ... Calm, Overcast, foggy, dull. Bar. 29 760. Ther. 50·
Cape Otway ... E.S.E. Misty, overcast, squally. Bar. 29 515. Ther. 50·
Portland Bay.. — Heavy rain, cloudy by N.W. Bar. 29 836. Ther. 54·
Adelaide ... S.W. Light. Showery N.E. Bar. 29·772. Ther. 53·
Guichen Bay... S E. Very cloudy N.W. Bar. 28 774. Ther. 53

METEOROLOGICAL OBSERVATIONS, TAKEN AT 9 A.M., AUGUST 11TH, 1864.

	Barometer.	Thermometer.	Dry bulb.	Wet bulb.	Max. shade.	Min. shade.	Rain gauge.	Direction of wind.	Force of wind.	Amount of cloud.
Armidale	26·200	48·	48·	47·	...	...	2·10	S.W.	2	10
Newcastle	29 702	58·	54·	53·	65·	45·	2·00	S.W.	3	10
Bathurst	27·552	53·	44·	42·	52·	32·	0 13	S.	2	10
Goulburn	27 600	50·	46·	43 4	51·2	42·5	0·080	Calm.	0	10
Albury	29 224	58·	48·	47·	...	47·	...	N.N.W.	1	10
Deniliquin	28 408	52·	47·	40·	53·	...	52·	N.W.	2	10

STATE OF THE WEATHER.

August 11th.—Armidale, raining; Newcastle, cloudy, heavy showers; Bathurst, raining; Goulburn, cumulus, threatening; Albury, raining; Deniliquin, raining.

SYDNEY HEADS.

	TIME.	WINDS.	REMARKS.
August 11.	8.30 a.m.	S.E.	Fresh, and cloudy.
	Noon.	S.E.	Ditto, and ditto.
	6 p.m.	S.W.	Moderate, cloudy, hazy.

DIARY.

MEMORANDA TO NEXT PUBLICATION.

August, 1864.		Sun. Rises.	Sun. Sets.	High Water. Morn.	High Water. After.
12	FRIDAY	6 42	5 18	2 47	3 13

MOON.—Full, 17th instant, 11h. 41m. p.m.

The Sydney Morning Herald.

FRIDAY, AUGUST 12, 1864.

THE conduct and speech of HARRISON at his execution must remove all doubt of his sanity, and thus relieve the minds of those who, upon that ground, sought his reprieve. There was nothing indecent in his behaviour, although the attempt to extenuate his crime in the immediate prospect of death is a sad example of self-delusion. The conduct of WOODS, executed for the bank robbery, is, however, a study for all those to whom the subject of capital punishment presents itself as a debatable question. Commonly, the influence of religion, however superficial, preserves the dying culprit from such exhibitions. It is evident, however, that in this instance no serious thought of a future state, or of the great and awful change which impended, had subdued the unhappy man. There was no want of intellectual vigour. What, however, was the real state of mind indicated? What was it that produced a display so painful, not to say appalling? We believe that the conduct of WOODS was the very reverse and contrast of his true feelings; that it was an effort of vanity and pride to deaden the sense of his misery. That singing of a song;—those mocking allusions to the disposal of his body;—that promise to stick by HARRISON to the last;—that flippant allusion to the rope and to his being "strangled like a dog;"—those ostentatious benedictions and curses—were all efforts to shake off, if possible, the deadly grip which he felt was about to complete the victory of justice. Such an indication of a demoralised mind shows how we have a society within society with different sentiments of right and wrong and of good and evil. Not, indeed, that the criminal class are quite satisfied that their case is justifiable. So far from this, there is evidently a continual effort to combat the judgment of the world by protesting against it, and by setting up a judgment of their own.

In WOODS' opinion the fact that he entered a bank armed with loaded pistols and deadly weapons did not constitute him a murderer in intention. He was resolved to use these weapons as far as necessary for his own purposes; and he did so. But because he had never figured to himself a victim weltering in his blood, he thought he never meant to commit murder, or do grievous bodily harm. To him all that happened was chance medley—a misfortune, something for which the officials of the bank were just as responsible as himself. He would never have wounded any of them had they given up the money of their employers peaceably—had they shrunk out of his way. This opinion evidently accompanied, and in a certain way consoled, him to the last, by giving him in his own esteem the air of an injured man—a martyr to the monetary interest, hanged to gratify the banks—according to his own definition. These criminals commonly assume the tone of lawgivers, and, when they meet just punishment, enter into a debate, sometimes theological—sometimes political—in reference to the wisdom of the laws.

It would be a curious inquiry as to what degree of force men in the condition of WOODS ascribe to their maledictions. Ancient superstitions linger long, and there can be no doubt that in remote times the curse of any dying man would have been regarded as a most serious misfortune, and in some way or other controlling the moral government of the world! We presume all educated people have escaped the region where such ideas prevail. The only feeling which could be created by such an exhibition of impotent anger would be pity for the wretch whose last words were mingled with curses. There is doubtless, however, even in such unfortunate beings, a notion of power—that they can in some way or other project into the soul of the person execrated the terrors which they invoke, and surround him with the destiny to which they have devoted him.

It was a fortunate thing that the spectators of this scene were chiefly official—that there were no sympathising looks—that the unhappy man met with no responsive cheer or chorus from without. This demoralisation is at least prevented. There are difficulties connected with the subject of private executions which do not present themselves in such communities as our own, or at the present stage of our national life; but the advantage is obvious. The men who had forfeited their lives were protected by the new law from the intrusion of mere curiosity, from the excitement and show of a public execution, and from the gaze of those upturned faces in countless thousands which renders more terrible the awful sight of the public expiation. We fancy, however, that the proper accompaniment of the law for private executions would be the publication of a mere official record of the fact, without transmitting to the world details which are but the expression of vanity. It is well known to those who have attended officially many executions, that a large proportion of those who suffer are vain to a degree which would seem incredible. They are anxious that their biography may be written — that their exploits may be preserved — that there may be some popular interest in their deeds when they are gone. Thus WOODS exclaimed that he had "lived like a man" (although he lived in crime), and that he would "die like a man." Doubtless he had some hope that this boast would reach the circle he had made the theatre of his exploits and excite the admiration of those who would regard him only as a hero fallen. We were informed by a clergyman that he had on one occasion been dismissed by a criminal of great atrocity because he refused to occupy the time between conviction and execution in taking down a memoir of the culprit's life.

THE decision of the Supreme Court in the case of TOOGOOD v. the Corporation of Sydney, will remove one difficulty which has long stood in the way of a satisfactory adjustment of the city finances, and will make the duty of the Corporation as respects the levy of the sewerage rates more clear. The question ought to have been decided long ago, but better late than never. It had been frequently asserted that the defective state of the Act left the Corporation powerless to enforce any sewerage rates that they might impose. Of course, if this had been the state of the law, it would have been useless to impose a rate, though an amended law ought to have been obtained without delay. But it would seem from the recent decision that the law was not altogether so defective as was supposed, and this discovery might have been made six or seven years ago as well as now. The rates that might have been levied during the years that have elapsed since the sewerage system first became available, have been irretrievably lost, but the want of that money has seriously impaired the power of the Corporation to effect all the improvements that were needed. If the debt had been contracted directly by the Corporation on its own credit, the non-payment of the interest on that debt would have assumed the form of repudiation, and the creditors would have been loud in their lamentations. This result has been happily averted by the fact that the general Government became sponsor for the debt, and has paid the interest punctually to the foreign creditor; but instead of being reimbursed, as it should have been by the Corporation, it has had to pay itself by impounding the annual endowment of ten thousand pounds a year which Parliament votes in aid of the city funds. This endowment is enough to pay five per cent. interest on a debt of two hundred thousand pounds. The exact state of the account between the Government and the Corporation we do not know; but we believe the Government is considerably out of pocket by having stood sponsor for the citizens. For several successive years a good round sum has appeared upon the Estimates as an asset to the credit of the Government, which was entered as a corporation debt; but the account has continually remained unsettled. The relations between the city and the Treasury office have been, therefore, eminently unsatisfactory. The Corporation has clamoured incessantly for the endowment the Legislature votes, and the Government has requested as incessantly the payment of the balance due to the Treasury. The Government, however, has been a very easy creditor, and has let the thing go on from year to year without enforcing a settlement—a result due, perhaps, to the working of representative institutions, by which the city has always been well cared for, both in Parliament and in the Cabinet.

It was a mistake, however, ever to have guaranteed municipal loans without taking adequate security for the discharge of the obligations contracted. Had the difficulty in the way of raising the rates been foreseen, this omission would probably have been supplied, and it would not be too late even now to remedy the defect. If the mutual claims of the Corporation and the Government were fairly inquired into, as they ought to be, and the balance equitably adjusted, it would not only be fair, but it would be only right for the Government to take the necessary power for levying rates, if the Corporation should neglect to do so.

This is a matter which will deserve careful consideration in connection with the enlarged scheme for municipal government which the Cabinet is about to propose. It may often be expedient for provincial municipalities to borrow for the construction of public works the cost of which is to be gradually repaid. If they borrowed merely on their own credit they would have to pay from two to three per cent. more interest than if the central Government negotiated the loan for them. But if any such guarantee is given, it will be necessary for the Government to protect itself against loss by retaining in its own hands the power of levying rates, to cover the interest in case the municipality should neglect this duty or perform it inefficiently. A remarkable illustration of the inconvenience of neglecting this precaution was furnished by the experience of Canada. The Government, being very anxious to extend the municipal principle, guaranteed municipal loans to a large extent. While the money was spending freely, all went merrily enough, and the townships rivalled each other in the extent of their improvements; but when bad times came round, the municipalities became defaulters. Ratepayers declared that they could not pay the necessary taxes. The municipal authorities, all popularly elected, did not dare to enforce them, and the central Government, already embarrassed by a diminished revenue from Customs as arising from the dullness of trade, found itself still further hampered by the non-receipt of the expected income from the different townships, while it was pledged itself to pay the money to the foreign creditor, and could not evade that pledge without a repudiation that would have irretrievably damaged the financial reputation of the whole colony. Unless, therefore, the central Government protects itself against local spoliation, it will be safer not to become responsible for any local debts, but to leave the various municipalities to borrow at their own risk, and on their own credit. This might often involve considerable local inconvenience, but it would be better that that should be suffered than that municipalities should be enabled, or even tempted to contract obligations hastily and then afterwards evade their natural consequences. We cannot expect ratepayers throughout the colony to act differently from those in the city. On the contrary, the rural parts naturally look up to the metropolis for example. It would seem undesirable, therefore, to expose the latter to a temptation which has proved too strong for the virtue of the former. It is worth noticing, perhaps, that neither in Victoria nor South Australia does the Government guarantee loans for rural municipalities, but leaves them to shift for themselves.

TELEGRAPHIC MESSAGES.

[FROM OUR CORRESPONDENTS.]

PENRITH.

Thursday, 4 p.m.

DURING the night the river fell considerably, but since this morning has been rising rapidly. The rain has fallen heavily during the day, and there is every appearance of another flood. Many portions of the lower end of the town are under water.

WINDSOR.

Thursday, 5 p.m.

Since Sunday morning it has been raining here. The river began to rise on Tuesday evening, and has been rising slowly ever since.

The creeks are up and the river has risen ten feet.

Heavy rain continues, and fears are entertained of another flood.

GOULBURN.

Thursday, 4 p.m.

Mrs. Best's station, at Jerrawa, near Gunning, was stuck-up by three armed men in disguise. They took about £30 worth of property.

Weather, very fine.

WEST MAITLAND.

Thursday, noon.

Heavy rain all night, and it still continues. The river is twenty-one feet above highwater mark, the backwater is rising very fast, and there is every appearance of another flood.

The river is now rising three inches per hour.

6 p.m.

Still raining. The river is now twenty-two feet above highwater mark. Horse-shoe Bend is under water.

The Corporation men are engaged in banking the river from High-street, opposite the Theatre.

The Flood Relief Committee will be obliged to suspend operations till the grant from Government has been received.

TAMWORTH.

Thursday, 2.30 p.m.

This place is again flooded. The stores opposite the Bank of New South Wales, the Telegraph Office, Post Office, and other buildings in the vicinity are partly submerged.

The rain appears to be subsiding.

GRAFTON.

Thursday, 6 p.m.

There is a great flood on the Clarence River. Grafton is flooded, and boats are plying through the streets. No reports of lives being lost have yet been received here.

It has been raining heavily since Friday last.

ADELAIDE.

Thursday, 7 p.m.

A large meeting was held last evening at White's Rooms, when resolutions were passed in favour of dissolving the House of Assembly.

Mr. Jefferson takes his benefit this evening. Every seat in the theatre is taken.

Wheat is quoted at 8s. to 8s. 2d. Flour, £20 to £21.

Large sales of barley were made to-day: for Cape, 3s. 6d. was obtained; and for English, 5s. 3d.

AUSTRALIAN MUSEUM.—Number of visitors to the Museum during June 4644, July 4044. The Museum is open to the public daily (Sundays excepted) from twelve to four o'clock.

FATAL ACCIDENT.—A sad accident happened in Kent-street on Tuesday morning, which resulted in the death of a little girl named Davis on Wednesday evening. The poor little creature was playing outside of her parents' dwelling when she was knocked down by a dray, one of the wheels of which passed over her. An inquest respecting the occurrence is to be held to-day.

FLOODS.—Several telegrams received yesterday bring intelligence of a repetition of the floods which but a few weeks since were so disastrous to several districts in the country. The lower part of Penrith was at four o'clock yesterday afternoon under water. The river Nepean, which fell during the night, was again rising. Our Windsor correspondent informs us that the Hawkesbury had been rising since Tuesday evening, and continued rising slowly up to the time his message was sent, and that the river was then ten feet higher than its usual level. At ...nworth some of the buildings were partly submerged. The telegrams from West Maitland give cause for much anxiety. At noon the river was twenty-one feet above high-water mark; at six p.m. the rain still continued, and the river had risen a foot since noon. Horseshoe Bend was under water. In High-street, efforts were being made by the Corporation to keep the water back by forming an embankment. Such were the fears of the Flood Relief Committee that it was expected their operations would have to be suspended until they received the Government grant. The Grafton telegram states that the town is under water, and that boats are plying through the streets, and the Clarence River was flooded.

THE WEATHER UP THE HUNTER RIVER.—The Morpeth steamer left Sydney on Tuesday night in all the bad weather for the Hunter, and after reaching Raymond Terrace, finding the water level with the wharf, Captain Harding deemed it prudent not to proceed further up the river. He therefore returned to Newcastle, and arrived there last evening about dusk. A passenger by the Morpeth states that he left Morpeth yesterday morning to catch the steamer at Newcastle, and in the short space of two hours and a half the Queen's Wharf was under water. The river during that time had risen nine feet. It rained on Tuesday night, and had not ceased pouring down up to yesterday. The water was increasing rapidly, and the residents were making preparations for another flood. It is feared that, should this bad weather continue, it will prove one of the most disastrous floods that has ever visited the Northern districts.

LECTURE BY THE REV. W. TAYLOR.—Last evening the Rev. W. Taylor (from California) continued his lecture on "St. Paul and his Times," at the York-street Wesleyan Chapel, and notwithstanding the unfavourable weather and muddy thoroughfares, the audience was very numerous. Mr. T. W. Bowden was in the chair. The lecturer resumed his discourse by showing how Paul, after leaving Lystra and Derbe, entered with Barnabas upon the first great missionary enterprise under the Gospel dispensation. It subjected them to great hazards, but resulted in the organisation of the Christian Church, and the enlargement of the sphere of action. Antioch was the centre whence they itinerated to surrounding countries. There was no knowing where these men of undying energy might go. St Peter dated his epistle from Babylon, but some had said that he meant Rome; but if he meant Rome he would have said Rome, for that city and Babylon were a thousand miles apart. It was most likely that during the five years Paul and Barnabas were in Antioch and its environs they extended their travel to the Euphrates valley and Babylon. At the end of these five years certain Judaising teachers came from Jerusalem and insisted that the Gentile converts should be circumcised or otherwise they could not be saved. Paul and Barnabas had no small altercation with them on this matter. After preaching to the Gentiles at Phenice and Samaria, they went to Jerusalem on the most important question that had come before them. The believing Jews still adhered to the Jewish ritual so far as circumcision and temple worship were concerned, and they were trying to impose these things upon the Gentile believers. At Jerusalem, a conference of elders and apostles was held about this question, and Paul and Barnabas were the principal representatives sent from the Church at Antioch. After the great guns in favour of circumcision had exhausted their ammunition, Peter arose, after him James, and when the great logician Paul closed his speech there was not another gun heard. The great fact of the election of the Gentile world to the Gospel privileges did not become recognised until this time. When the question of circumcision was raised at Antioch, Paul, like a shrewd man, ...would not trust this question to the promiscuous multitude, but had private interviews with the influential men, and convinced them, thinking, no doubt, that if he silenced the great guns first, he could take the rest with him. On their return to Antioch Paul proposed to Barnabas that they should visit their brethren in every city where they had preached the Word of the Lord, to see how they did. Barnabas assented, and wished to take with them John Mark, from which Paul disagreed, and it was said the contention was so sharp that they parted asunder one from the other. Barnabas took Mark, and sailed unto Cyprus, and Paul took Silas with him into Syria and Cilicia. Most of the commentators involved Paul and Barnabas in a quarrel, some holding one, some the other to blame; but if these men of God, who had done so much to promote spiritual life, got into a "paroxysm of rage" about the mere propriety of taking with them a man who had broken no law, and against whose moral character there was no charge, it was one of the darkest blots on the Christian name and character. The lecturer said he believed the devil had had much to do in blinding the minds of the critics on this point. The greatest men sometimes made mistakes. Alluding to the embarrassment he felt last evening in stating the secret of Paul's power in preaching, he said he was as much embarrassed in contending against the imposition of this blot upon Christianity, but they were in for the fight. He had ripped off the strings of the strait-jacket he had felt himself in, and had kicked out of it. ...knew about preaching he learned principally in the streets. He had prepared his sermons for the pulpit ...ly, but for his street addresses he had little or no preparation; and yet some of his friends said, "How much better you preach in the streets than in the pulpit." His well-prepared sermons did not tell so well as those ... from the top of a whisky barrel. In the pulpit he had been stiffened himself with his firstlies, secondlies, and so on, but if ever they had him in a ...et again they would have to catch him first. He would never sacrifice the efficiency ... directness, clearness, naturalness, literalness, and ... for the mere appearance of form. ...nded Paul and Barnabas against the imputation of a quarrel, and showed that while the question between them (the trivial one of whether they should take Mark with them) induced them to part, they never lost the great object they had in view, and in his writings Paul spoke affectionately of his old friends. Besides, John Mark afterwards became one of Paul's ablest coadjutors in his missionary work. By some, exception was taken to Paul because he worked with his hands, and took nothing from the Church. He was then struggling for the establishment of proportionate giving, but he would not give them a single reason to believe that he anticipated any benefit from it himself. When Paul was in prison at Rome about to be martyred, he sent for Timothy and John Mark to see him die and receive his parting blessing. So much for the quarrel between Paul and Barnabas. The lecturer here distributed among the audience, for ..., a collection of interesting objects, the relics of ... in Syria and adjacent lands, including coins, ... of stone from ancient buildings or celebrated ..., valuables from heathen temples, water from the ..., photographs of scenery, &c. At the close of the ... he sang a song entitled, "There's a light in the window for Thee," and explained the circumstances in ... of Edward Dunbar (now a successful Wesleyan ...), to which it had reference.

...TH FROM POISON.—On Wednesday evening, the Coroner held an inquest at Stanmore, on view of the body of a child named Sydney Sparkes, who died on the ...noon. Deceased's parents live at Stanmore. On ...the noon, Mrs. Sparkes, who was accustomed to give small doses of syrup of poppies to her children as ...ight occasion might require, gave deceased about ... of a teaspoonful of this medicine. The mixture ... have contained more laudanum than usual, as the ... became very ill and did not recover. Dr. ... was of opinion that laudanum was the cause of ...'s death. Verdict: "Deceased, aged ten days, ... an overdose of syrup of poppies." The jury re... ... parents not to administer narcotics to their ... unless by medical advice.

...'s INQUIRY.—Yesterday, the City Coroner ... inquiry at the Observer Tavern, Lower George-street, concerning the death of Henry Walter Williams, ... days, who died on Wednesday. The effect of the ... was expressed in the coroner's finding, namely:—... died from convulsions, brought on by a ... attack of diarrhoea."

...T OF MR. BARLOW.—Amongst the number of ... of negro life and habits which have visited this ... has, perhaps, never been one so versatile or so ... as Mr. Barlow, or as he is styled in the bills, the ...ble Barlow." As a singer of comic songs and ... he is only equalled by his performances on ... of musical and unmusical instruments, ranging ... of common kitchen bellows to a pianoforte. ... playing is particularly good, and his celebrated ... Fly, always elicits roars of laughter. Mr. Barlow ... his first benefit in Sydney this evening, at the ... Theatre, when, there is no doubt, he will be re... by a bumper house. The Campbell Minstrels, ... he is connected, will close their engagement on ... evening. They intend giving a mid-day perfor... ... day for the special delectation of the juveniles.

BUSHRANGING NEAR THE ABERCROMBIE.—...ondent of the *Bathurst Free Press* writes as ... that journal:—On Monday, the 1st instant, the ... was bailed up by two armed men, who ordered ... the usual command, to stand, at the same time ... a double-barrel gun at his head, and requested ... to dismount. They took the mail-bags; also, horse, ... and bridle. The news reached Rockley on the ... . The police, under inspector Newby, ... pursuit of the miscreants; but up to the present ... has been obtained, nor have they been heard ... of the men:—One man, six feet in height, ... jumper; one man five feet eight inches or nine ... height, wore white jumper. Description of the ... from the mailman is as follows:—A yellow bay ... branded WAS near shoulder, belonging to Mr. ... of Rockley.

... LABOUR.—For some time past a portion of the ... in Bathurst have been employed in breaking ... within the precincts of the gaol, on behalf of the ... . The stones to be broken, have been taken ... which were recently gravelled in the town. ... collected and carted into the gaol at the expense ... Corporation, and the hard-labour prisoners are ... in breaking them. There is at present a large ... broken and ready for use when required. ... are generally much more contented, as well ... of mischief, while engaged in labour, and they ... they are both able and willing to work.—*Free Press.*

LIST OF DONATIONS TO THE AUSTRALIAN MUSEUM, DURING JUNE AND JULY, 1864.

A BANDICOOT (Perameles nasuta). Presented by W. J. Stephens, Esq.
A collection of Australian coleoptera and lepidoptera. By Mr. Masters.
A torpedo. By Mr. M'Culloch.
A canary. By Miss Fanny Boyd.
Skull of a New Zealander. By Dr. Armstrong Willis, R.N., H.M.S. Eclipse.
A collection of fishes, from the Waikato River. By the officers of H.M.S. Eclipse.
A platipus (Ornithorhynchus anatinus), and an owl (Athene). By Mr. Charles A. Wilson.
A sea snake (Pelamis bicolor). By J. B. Holdsworth, Esq.
Skeleton of a python, from Manila. By Dr. James C. Cox.
A cuckoo (Cuculus cinereus). By Mr. Sidney Blaxland.
Part XIII. of Captain Beddome's Ferns of Southern India. By the Honorable the Colonial Secretary.
A death adder (Acanthophis antarctica). By Mr. John H. L. Garrick.
Two snakes (Hoplocephalus signatus), and a blind snake (Typhlops Preissii). By Miss L. Lane, Windsor.
A collection of reptiles and fresh water fish, from Rockhampton. By Thomas Nobbs, Esq.
Skeleton of a crocodile (Crocodilus palustris), a fish (Fulis), and a species of "Paradoxurus," from Ceylon. By Master Billing.
An implement for catching birds, from Byron's Island, and several species of lizards of the genus Grammatophora cyclodus and bimilia. By Mr. John Brazier, Windmill-street.
A Roman coin. By Mr. George Wright.
A collection of shells, from New Zealand. By Mr. G. T. Rossiter.
A young diamond snake (Morelia spilotes). By Mr. Grantley Fitzhardinge.
A collection of mammals, reptiles, and fresh water fishes, from Warroo, Port Curtis. By Mr. F. A Blackman.
A leipoa (Leipoa ocellata), and a rose cockatoo (Cacatura Leadbeateri). By Charles Moore, Esq.
A collection of fishes, sea snakes, and lizards, from New Caledonia. By Dr. George Bennett.
A coach-whip bird (Psophodes crepitans). By Mr. H. G. Greville.
A lizard (Phyllurus Milinsii). By Master Wilberforce Gale.
A series of marine and fresh-water shells, collected by the late Dr. William Stephenson during Mitchell's expedition into the interior. By Dr. Aaron.
A Port Jackson shark (Cestracion Phillipii). By Mr. Thomas Leggatt.
An African long-tailed finch. By Miss Fanny Boyd.
A musk duck (Biziura lobata). By Mr. C. Regan.
A stone hatchet, from the Isaaks River. By H. Nobbs, Esq.
A silver coin. By Mr. E. A. Lamond.
Two fishes of the genus Seriola. By A. Cooper, Esq.
An angel shark (Squatina angelina). By Mr. James Rice.
Three specimens of Leadbeater's cockatoo (Cacatua Leadbeateri). By C. Moore, Esq.
A quail (Hemipodius melanotus). By Mr. E. G. A. Miller.
A musk deer (Tragulus javanicus). By the Council of the Acclimatisation Society.
A snake (Vermicella annulata). By W. Briggs, Esq.
The tail of a large ray (Rhinobatus). By Mr. M'Carthy.
Three sharks of the genus Carcarias. By Mr. Grantley Fitzhardinge.
A diver (Podiceps Australis), and a collection of reptiles from Ash Island. By Mrs. E. Forde.
A death adder (Acanthophis Antarctica). By Mr. Frederick A. Thomas.
A red-capped snake (Brachysoma diadema). By Mr. A. T. Rodd.
A collection of Australian birds. By Master Mitchell Boyd.
Three fishes of the genus Balistes, from Manila. By Dr. James C. Cox.
A bandicoot (Perameles nasuta). By Mr. James Fitzhardinge.
A red kangaroo (Osphranter rufus); a Dasyurus (Dasyurus Geoffroyi); a beaver rat (Hydromys chrysogaster); and a phascogale (Phascogale flavipes). By Mrs. John Hay.

ABSTRACT OF SALES BY AUCTION THIS DAY.

MESSRS. BRADLEY AND NEWTON.—At the residence of Mr. E. A. Levy, 303, George-street, at 11 o'clock, Household Furniture and Sundries.

MR. J. G. COHEN.—At his Rooms, at 11 o'clock, Boots and Shoes.

MESSRS. CHATTO AND CO.—At their Rooms, at 11 o'clock, Perfumery, Jewellery, Photographs and Slides, Parianware, and other Fancy Goods.

MESSRS. CHAS. MOORE and CO.—At their Rooms, at 11 o'clock, continuation of Sale of Drapery, Millinery, Clothing, and Fancy Goods; at 12 o'clock, Worked Muslins, Reel Cotton, and Tapes.

MESSRS. FOTHERINGHAM AND MULLEN.—At their Rooms, at 11 o'clock, Oilmen's Stores, Groceries, Provisions, Geneva, Bottled Ale, Palm Oil, &c.; on Campbell's Wharf, at half-past 2 o'clock, Surplus Stores ex Sandringham.

MESSRS. A. MOORE AND CO.—At their Mart, at 11 o'clock, Watches, Jewellery, Clothing, and Sundries.

MESSRS. L. E. THRELKELD AND CO.—On Campbell's Wharf, at 3 o'clock, Richmond River Cedar and New York Lumber.

MR. N. COLLIER.—At his Rooms, at 11 o'clock, Oil Stores, Groceries, Confectionery, &c.; at half-past 11 o'clock, Wines, Spirits, and Beer.

MR. H. R. REID.—At his Stores, Clarence-street, at 10 o'clock, Hides, Horns, Tongues, &c.

MESSRS. DURHAM AND IRWIN.—At their Stores, at 12 o'clock, Tallow, Hides, Horns, &c.

MR. JAMES GRAHAM.—At his Stores, Circular Quay, at half-past 11 o'clock, Tallow, Hides, Hair, &c.

MR. J. WALLIS.—At the Railway Terminus, Hay, Straw, &c.; at his Yards, Haymarket, at 12 o'clock, Dairy and Farm Produce.

MESSRS. W. H. MACKENZIE AND CO.—At the Railway Terminus, at 10 o'clock, Hay, Straw, &c.

MR. W. G. HENFREY.—At the Railway Station, at 10 o'clock, Hay, Straw, Corn, &c.

MR. O. B. ESSWORTH.—At his Stores, at a quarter before 11 o'clock, Tallow, Hides, &c.

MESSRS. MORT AND CO.—At their Stores, Circular Quay, at a quarter before 11 o'clock, Tallow, Hides, Beef, &c.; at their Rooms, at half-past 12 o'clock, New South Wales Copper.

MESSRS. BURT AND CO.—At their Mart, at 11 o'clock, Horses, Cows, Bull, Vehicles, and Harness; at the Camperdown Sale Yards, at 2 o'clock, Horses.

MESSRS. VAUGHAN AND SON.—At 141, King-street, at 11 o'clock, Household Furniture and Effects.

MR. F. P. MEARES.—At the Railway Station, at 10 o'clock, Hay, Straw, &c; and 11 o'clock, Butter, Oranges, Lemons, and all sorts of Dairy Produce.

MR. S. WOOLLER.—At his Mart, at 11 o'clock, Horses, Vehicles, and Harness.

MR. H. D. COCKBURN.—On the premises, 9, Hill's-terrace, Riley-street, at 12 o'clock, Household Furniture, &c.

MR. S. GRAHAM.—At the Railway Terminus, at 10 o'clock, Hay, Straw, &c.

THE COMMISSION OF THE PEACE.—We understand that some further additions have been made to the new Commission of the Peace, and will be published in the *Government Gazette* this afternoon.

VOLUNTEER ARTILLERY BALL.—A ball given under the auspices of No. 2 Battery of Volunteer Artillery came off last night at the Masonic Hall. Since the formation, four years since, of the above Company, the members have had an annual ball, and they appear to be resolved to keep up the celebration. The weather yesterday was extremely unpropitious, the rain falling heavily at intervals; to this and other depressing influences may be attributed the small attendance at the ball as compared with the former festive gatherings. Under the direction of an active committee, suitable preparations had been made for the entertainment of the company. The walls were hung with festoons of foliage, and above the pilasters were small coloured flags representing the several volunteer companies; the front of the gallery was ornamented with flags and foliage, with the royal arms in the centre; and at the opposite end was a display of flags surrounding the battery arms. The decorations were carried out with much taste, and had a very pleasing effect. The refreshments, which were supplied by Compagnoni, of Pitt-street, were served up in one of the lodge rooms, and gave general satisfaction. The company numbered about a hundred and fifty, amongst whom were some of the officers of H. M. S. S. Eclipse, several officers and other members of the Volunteer companies—all of whom wore their respective uniforms—and many of their friends who have taken an interest in the Volunteer movement. Notwithstanding the discouraging effect of the weather, the celebration passed off very happily, and the gay party did not break up till a late hour.

NOTES ON AGRICULTURE.—Writing from Fish River Creek, on the 7th instant, a correspondent of the *Bathurst Free Press* remarks:—"My crop looks splendid, I put it in in March; now half of the people here neglected taking advantage of the three months proper seed time, viz.:—March, April, and May, the consequence is not one-half have their crops in in time for the seed to germinate. In a thickly sown crop the growth of the plant is premature, as shown by the smallness of the ear and kernel, and the deficiency in the number and quality of grains. Thus, time is economised at the cost of perfection. As a matter of course all farmers here imagine that by sowing thick it makes up for the backwardness of their seed time; they do not think and will not allow it that the more vigorous and perfect the development of a plant the longer must be its growth; on naturally rich soils or where an extra supply of manure is used four pecks or even less are an ample supply. The quantity of seed sown does not regulate the quantity of wheat to be produced; as a general rule the larger quantity of seed sown produces the smallest result, because it implies a poor or ill-cultivated soil having no power to compel the plant to tiller; land can never be too rich for wheat provided the quantity sown is adapted to the circumstances of the paddock. The quantity of seed must be diminished in proportion as the natural or artificial fertility of the soil is increased and *vice versa*. Thick sowing upon a rich soil produces a rank and close vegetation, prematurely developed, laid early, apt to be mildewed, and ruinously unproductive in quality and quantity. Upon a poor soil where there is only food enough for half a crop, no one can expect to have a full crop. If, say, twenty grains of wheat are put into a piece of ground where there is only food for one, as a natural consequence some are starved and those that come up are crippled and possibly never come to maturity. At high elevations thick and early sowing answers because by covering the ground early it protects the roots from frost, we know quite well that whilst the leaf of wheat suffers little from frost, the plant when root-frozen is destroyed."

TROTTING MATCH.—A considerable degree of excitement was occasioned yesterday in the vicinity of the Royal Hotel, by the sudden gathering of a large number of the sportsmen of the district to witness the result of a trotting match between Mr. Rutherford's fine bay colt, and a small bay cob belonging to Mr. John Palmer, from the Woodside Inn to the Royal Hotel, Bathurst, for £20 a-side. The horses, it appeared, had started at eight minutes past eleven a.m. from the Woodside Inn, and the cob pulled up at the Royal Hotel, an easy winner, precisely at half-past eleven, having performed the journey, over seven miles, in twenty-two minutes.—*Bathurst Times* of Wednesday.

FOUND IN THE BUSH.—The Bendemeer correspondent of the *Maitland Mercury* writes as follows:—Sergeant Ker, stationed at Bendemeer, discovered an old woman, apparently idiotic, about three miles from here; but upon examining her he found that she had merely sustained some fall, and had been in the bush four days. Her voice was so faint she could not make the mail hear her as it passed. The sergeant procured a spring-cart, and had her safely lodged in town, where we hear she is getting on very well.

HOW WE MAY IMPROVE OUR JURIES.

To the Editor of the Herald.

SIR,—Several leading English journals have lately exhibited in strong contrast the French and English methods of proceeding on criminal trials, and the respective tendencies of the two systems. Englishmen are so accustomed to declaim against the rigour of French prosecutions, that it is well they should be reminded that their own system is far from faultless. The *Saturday Review* epigrammatically remarks, that the French procedure seems specially designed to render the punishment of the guilty certain; the English, to render the conviction of the innocent impossible. If this were literally true, our English system, logically speaking, would be the more faulty of the two; faulty, indeed, in its very essence. It would contemplate that as its primary end, which at the most can be no more than an all-important condition. But even if we make the utmost allowance for the temptations of a brilliant antithesis, the writer in the "*Saturday*" points, we believe, to a grave truth; viz., that while in France an innocent prisoner has to struggle with too many difficulties, in England a guilty one has too many facilities for escape. In some respects, indeed, the tenderness shewn to the accused in an English Court is quite unconnected with any notion of his probable or possible innocence. What, for instance, can be more absurd—not to say immoral—than the common practice of dissuading a prisoner from pleading guilty? The man who has done a wrong to society desires to make the only reparation in his power, and the guardian of the laws prevents him! Not only does this process occasionally let loose an unchastised criminal on society, but it tends to foster the pestilent belief that it is not evil-doing, but detection, that deserves punishment. Again, in prohibiting the accused from giving evidence in his own case, the law actually inflicts a hardship on innocent prisoners (who ask nothing better than leave to explain every particular of their own conduct), merely from a benevolent fear lest some guilty person should by injudicious perjury incur a conviction which he might otherwise have escaped.

But the evil to which I wish specially to direct your attention, Sir, and through you that of the Legislature and the public, is the abuse of the right of challenge. Few unprofessional persons are aware of the extent of a prisoner's privileges in this respect. Out of thirty-six jurors summoned (and even of this number two or three will generally be absent) he has the right of challenging twenty *without cause shown*. Surely this is a flagrant absurdity. To an innocent man, the right is almost worthless—at the most, he could only wish to exercise it for the exclusion of some malignant personal enemy, or possibly of some notorious blockhead. But to the guilty man who knows that there is a strong case against him, and that his only chance of escape lies in the corrupt partiality or gullible obtuseness of one or more jurymen, it is precious indeed. Practically, it is almost equivalent to allowing him to select the twelve worst jurymen on the list, as far at least as his own knowledge or that of his attorney, friends, or sympathisers, suffices for such a selection. In default of personal knowledge, certain outward indications of character are relied on. A juror in good broadcloth and clean linen is "most intolerable and not to be endured;" a flash-looking *gent*, or one with an air of coarse ruffianism, or (best of all) a fellow with a grog-bepainted nose, is hailed as a god-send. No doubt, these tokens sometimes prove deceptive, and I have seen with amusement as well as solid satisfaction a very rough lot do their work honestly and intelligently, to the utter discomfiture of the scamp who had picked them by the eye. But in the long run, between challenges to those whom they know and challenges to those whom they suspect to be good and true, prisoners of the worst class do undoubtedly attain a great advantage, to which they have no moral right whatever, and which is enjoyed at the expense of public justice. It is indeed no slight proof of the intrinsic excellence of trial by jury, that it has not utterly broken down, though clogged by so absurd a condition. A criminal trial upon the English system has been not unaptly likened to a fox-chase, in which the run is every thing, and the finish interests only a very select few. But still the utmost pains are taken to select hounds that will stick to their fox. No one ever dreamed of conceding it to the exigencies of Pug's situation, that out of fifteen couple and a half of hounds, the ten couple whom he had most reason to fear, should be whipped off before the run began. Pug himself would doubtless be very glad to be rid of Trouncer, and Tickler, and Champion, and old Trueboy, and all the tried steady hounds, and to take his chance with Crawler, and Whinsy, and young Rister, and all the refuse of the pack; but his natural wishes in this behalf are systematically overlooked. Surely it is time for that worst class of vermin, our malefactors, to be at least restricted in the exercise of an analogous privilege. It is useless now to consider the question whether, in bygone days, and in a totally different state of society, an extensive right of arbitrary challenge may not have been desirable as a safeguard to the liberty of the subject. It avails little even to inquire how far it is still found in the mother country compatible with the successful working of trial by jury. We have, to our heavy and almost irreparable loss, defied British precedent on great constitutional questions; we may surely neglect it in a matter of detail where the different social condition of the colony renders it utterly inapplicable. Where twelve sworn jurors can deliberately agree that a ruffian at bay fires point blank at the head of a constable without intending to kill him—where another jury refuse to give a true verdict except on terms of compromise—where a single armed robber may stumble on a knot of seventeen able-bodied men, ready to commit felony at his bidding, it is sheer insanity to allow a criminal to eliminate whatever of respectability or intelligence may be summoned to try him. It would be easy to go into detail, and to show the mischievous working of the present system in particular cases, as for instance where two prisoners are to be tried together, or where the Crown has set aside one or two jurors of notoriously bad character. But I prefer to rest the case on broader grounds, and simply to protest against the continuance of a practice which often, to all intents and purposes, enables a criminal to pack a jury for his own benefit. And I have never found any advocate, either barrister or attorney, who did not admit the right of challenge, without cause, as now enjoyed by prisoners, to be excessive and mischievous; going far beyond anything that can possibly be needed to secure the accused against undue influence, and giving him an excellent chance of smuggling into the jury-box two or three congenial enemies of law.

There is not the slightest need for abolishing a privilege which is merely objectionable in its excess. Cases, no doubt, may and do occur, where a prisoner may entertain fair objections to two or three jurors which he would yet find it difficult to enforce on the conscience of the Court by shewing his reasons. To meet such cases, let him be permitted to challenge a limited number of jurors—say six—without cause shewn, and the Crown half as many. Beyond this number, let cause be shewn for the challenge. This would answer every conceivable requirement of that fair play which should be dear to every community of British origin. It would effectively secure innocence from oppression, and at the same time abridge the too abundant resources of conscious guilt.

CIVIS.

THE SHOOTING OF JAMES KIRWAN, OF MOWENBAH.

(From the Monaro Mercury.)

POLICE COURT, COOMA.

MONDAY, AUGUST 1ST.

BEFORE Mr. P. J. J. Clifford, J.P.

Charles O'Donohue, senior-sergeant of police, appeared to answer to a charge that he did, on the evening of the 21st of June, 1864, unlawfully kill and murder one James Kirwan.

Mr. Freestone appeared for O'Donohue, and Mr. John T. Gannon and Mr. Girard for the prosecution.

The Court was filled with spectators, who seemed deeply interested in the proceedings.

Mr. Gannon, having opened the case, called

Thomas Kirwan, brother of deceased, who deposed: I am a grazier, residing at Mowenbah; I have heard the information read, which is correct; the defendant is the person I charge with shooting my brother, James Kirwan; I last saw my brother alive on the evening of the 21st June, at Bobundra; he told me he had ridden from Mowenbah, a distance of twenty-five miles, on a dark bay horse called Blacky; he left Bobundra for Cooma that afternoon, Bobundra is distant from Cooma about eighteen miles; he rode the same horse in Cooma; I came into Cooma the day following and saw my brother dead; he was a heavy-built man; the coat produced is the one he wore when leaving Bobundra; my brother was about twenty-three years of age.

Cross-examined by Mr. Freestone: I cannot say my brother rode the horse Blacky from Mowenbah to Bobundra; he bade me good day when leaving; he said nothing to me about coming back that night; I was to have a horse ready for him at Bobundra when he came back; I was not to have the horse in for him that night; he said nothing to me about leaving the district [Mr. Gannon here objected to a question put by Mr. Freestone, to the effect that witness's brother had told him a warrant was out, but afterwards withdrew his objection]; my brother did not tell me there was a warrant out for him.

J. W. C. Merryweather deposed: I am a duly and legally qualified medical practitioner; I knew James Kirwan, now deceased, for about nine years; I was called to attend upon him on the 21st June last; he was lying on the roadside on his back, and was dead; I afterwards made a post mortem examination of the body, and found a pistol wound in his back; the ball had passed through his clothes and came out on the right side; it was sufficient to cause death; I found the ball in his clothes.

Cross-examined by Mr. Freestone: I was at the Victoria Hotel when called upon to attend the deceased by Mr. Barr, the landlord; I cannot say who accompanied me down to where I first saw the body; when I reached the spot I saw some persons there, but I cannot say who—I think the defendant and constable Lynch; if the sergeant was on the left-hand side of the deceased, with his hand upon the pummel of the saddle, I think a wound similar to the one I saw might have been inflicted with the left hand; I don't think such a wound could have been inflicted with the right hand; the ball entered under the left shoulder-blade and came out at the right nipple; if O'Donoghue fired with his left hand such might have been the course of the ball, or more direct than if the shot was fired with the right hand.

Re-examined by Mr. Gannon: If Kirwan was riding in front of O'Donoghue, and a yard in advance, the bullet would have taken the same direction in my opinion.

William Sturgeon deposed: I am a storekeeper residing in Cooma, and have known the deceased James Kirwan for some seven years; I last saw him alive in Cooma on the night of the 21st June; I first saw him that night a short time before he was shot; I heard a shot fired; I saw Kirwan alive two or three minutes before the shot was fired; when I heard the shot I ran to the front of Barr's house to see what had happened; I saw Kirwan's horse Blacky, as I have heard him called; there was no one on him; I saw O'Donoghue riding up immediately after; I saw him first, and heard him say, "take this horse, it's Kirwan's; I think I have shot the wretch;" I believe he addressed Carroll, whom I also saw immediately after; I also saw constable Butler; I then went to where the body was lying, and recognised it as that of James Kirwan; he was quite dead; the distance from where the deceased was lying was about 300 yards from Joseph Ward's house, on the main road to Micalago; the nearest distance from the spot to an inhabited house is under 100 yards; the police barracks are about 400 yards distant from the spot referred to; there were three policemen between me and the body when I started to look at it; they were nearer to the body than I was; Richard Taylor and Robert Barr were near me when defendant made use of the expression I have sworn to; I have had no conversation with defendant since deceased's death in reference to the shooting of Kirwan; the deceased told me he came from Mowenbah that day, a distance of fifty miles by way of Buckley's Crossing, and forty-three miles by Jindabyne.

Cross-examined by Mr. Freestone: I sent a message to deceased previous to the 21st June; [a question was here asked, if witness had sent any message as to a warrant being out against deceased, and Mr. Gannon objected, as it was merely hearsay evidence, and quoted from Archbold's Criminal Cases in support of the same; Mr. Freestone replied; his worship sustained the objection, and the case proceeded]; when I saw Kirwan that evening we had no conversation about a warrant having been issued against him; I met deceased up in the rocks that evening; [witness declined to say for what purpose he met Kirwan there]; I had no conversation with him about a warrant when I met him among the rocks, nor did I have any about his leaving the district; deceased did say to me "what is this stink about;" I replied, "It is something about horses;" to which he replied, "I know nothing about them;" I saw deceased in front of my store on that evening, but he did not come inside or get off his horse; he never told me that he knew there was a warrant out for him; parties were firing off caps in my store on that evening from an old rusty carbine; I never said to any person that Kirwan would give the police some trouble to catch him that night; I said at the inquest that Kirwan remarked he would not sleep in Cooma watchhouse that night; I advised deceased to go and see Mr. Dawson, but he did not do so, as he had no chance; I recollect speaking to Captain Battye, after the shooting, but I said nothing as to the expressions used by defendant; I did not tell Captain Battye that Kirwan had told me that he would not give himself up; from the time I met deceased in the rocks until I heard he was dead I am certain an hour did not elapse; I have seen senior constable Carroll since the occurrence, and told him I was in the rocks with deceased; I did not say to Kirwan, "Look out, here is some one coming," nor did I ever tell Carroll that I had said so; Kirwan and I were on good terms.

Richard Taylor, of Cooma, printer, examined: I knew James Kirwan, and last saw him alive on the evening of June 21, between eight and nine o'clock; he was riding in an enclosed piece of ground near the Catholic chapel, and close to Barr's public-house; shortly after seeing deceased I heard the sound of horses galloping, and, thinking that some horse had bolted, I ran out to see what was the matter; I ran towards the corner of the chapel fence, in Sharp-street, but before reaching there I heard a sound as of a shot being fired; when I turned the corner I saw defendant on horseback without a hat; I also saw constables Carroll and Butler; defendant was riding one horse and holding another, which was riderless; I heard defendant say, "Carroll, take charge of this horse, it's Kirwan's, I think I have shot the wretch;" I heard no more as I ran up the road in the direction I had heard the shot fired; I found Kirwan's body lying on the roadside, and constable Lynch standing near, holding a horse; Kirwan was quite dead when I reached the spot; I went there alone, but several persons arrived shortly afterwards; the place where I saw Carroll and Butler was about one hundred and fifty yards from where the body was lying; a very few minutes elapsed from the time the shot was fired until I reached the spot where the body was lying, as I ran all the way; I spoke a few words with the defendant after the occurrence; I said, "Sergeant, this is a sad job, it is nothing else than a cold-blooded and deliberate murder;" he replied, "I cannot argue the matter with you, Mr. Taylor—I'm a poor man, but I would rather have lost my right hand than this should have happened."

Cross-examined by Mr. Freestone: I am quite sure O'Donoghue had the horse's reins when I first saw him; I don't recollect constable Carroll passing me on horseback as I was going up to see the body, and Carroll did not say to me, "Kirwan is shot;" I heard Butler say, "he is shot sure enough; this was near the chapel fence; defendant was not in such uniform as he now wears; I think he had plain clothes on.

Robert Barr, innkeeper, of Cooma, deposed: I knew Mr. James Kirwan, and last saw him on the evening of the 21st June, I heard horses galloping and a shot fired on that evening; I ran out and saw defendant riding along Sharp-street, leading a horse; defendant said, "Carroll, take this horse, its Kirwan's, I think I've shot the wretch;" I went up the road some distance and saw Kirwan on the ground, dead.

Cross-examined by Mr. Freestone: I was near my own house, and saw Carroll, but did not hear him say anything to me.

This was the case for the prosecution.

For the defence, Mr. Freestone called

E. M. Battye, who deposed; I am an inspector of the New South Wales police force, stationed at Cooma; I know the defendant; I also knew James Kirwan, a warrant for whose apprehension was handed to me, which I gave to the defendant. [The warrant was produced, as also the information of John Welsh, in which he stated that he had reason to suspect Kirwan of taking away two horses belonging to informant. Other questions relating to a conversation between defendant and witness, on the evening of Kirwan's death, were objected to by Mr. Gannon, who cited authorities in support of his views, and his Worship ruled that the evidence could not be received.] Examination continued: I had a conversation with Mr. Sturgeon on the evening of the 21st June, with reference to Kirwan; he said, "You know, Captain Battye, what kind of a man he was;" he also said that Kirwan had expressed his determination not to sleep in Cooma lock-up, but that he would be miles away that night.

Robert Dawson, police magistrate, deposed: I granted a warrant for Kirwan's apprehension on suspicion of horse-stealing, at about seven o'clock in the evening of the 20th June.

Constable Butler deposed: I knew James Kirwan; on the evening of the 21st June I was told a warrant was out for his apprehension; on the same evening I saw two persons galloping towards the Sydney Road between eight and nine o'clock; sergeant O'Donoghue rode one of the horses, but I did not know who rode the other; I saw the horses turn to the right of the chapel fence towards the Bombala Road; they turned back again and faced for the Sydney Road; I heard a struggle and a noise, as if the horses had turned round again; I heard a shot fired, and the galloping continued; I saw sergeant O'Donoghue galloping after a horse; I also saw senior-constable Carroll, and heard O'Donoghue say to him, "Carroll, take charge of the horse;" I did not hear defendant say, "I think I've shot the wretch;" I was near enough to hear him, and if he had made use of the words I must have heard him; no other persons were in view so far as I could see; it was a bright moonlight night, but cloudy; I took the horse to the police-barracks.

Cross-examined by Mr. Gannon: I knew a warrant was out for Kirwan at seven o'clock that evening; defendant was not in uniform that evening; I cannot tell what took place when they turned the corner; the galloping occupied about five minutes; the horsemen were about 150 yards from me when the struggle took place; the horses seemed to pause a little and turn round; I was examined at the coroner's inquest, but did not tell as much as I have now told; I did not tell about the struggle then; I have been asked by Captain Battye, since the inquest took place, what evidence I could give, and he wrote it down; I signed what he took down, but am not certain whether it was read over to me or not; at the time Captain Battye was taking down my statement defendant was present, but he did not refresh my memory; Captain Battye asked me some questions, but I forget what; I have had no conversation with defendant about this matter, but I have had some with Captain Battye; I swear that neither Taylor, Sturgeon, nor Barr were near me; I will not swear they were there.

Senior-constable Carroll deposed: I know defendant; I remember the 21st of June last; I knew James Kirwan, and on this day was looking out for him because there was a warrant out for him; on that evening I went in the direction of Mr. John Ward's public-house to capture Kirwan; constable Ford was with me; I heard parties speaking among the rocks, one of whom I identified as James Kirwan; the parties were on horseback; I got between twenty or thirty yards of them, but could not hear what they were saying; they bade each other good night, and Kirwan rode in the direction of Cooma, Back Creek, and the other rode towards the township; I was on foot; constables Ford and Lynch were in company with me; I afterwards went towards John Ward's house, and saw a horseman coming up to the door; I saw O'Donoghue come out, and Kirwan swerve his horse, when defendant staggered; I did not hear defendant say anything to deceased; deceased said, "you won't get hold of my bridle again;" Kirwan then rode off; as I was coming down to the low rocks defendant met me, and ordered me to take a man with me and proceed to Buckley's Crossing, where I would meet with Kirwan; I saddled up my horse and put on private clothes; I shortly after heard a shot; constable Lynch came running down the yard and told me defendant was after Kirwan; this was about ten minutes after I heard the shot; it might have been less; I got my horse, and constable Lynch did the same; Lynch took one way and I took the other; I saw defendant following a horse with saddle and bridle on; he told me to stop the horse, and I did so; I gave the horse into the charge of constable Butler; defendant told me to take charge until he looked after the fellow; I did not hear defendant say "wretch;" if he had said it, I must have heard him; there was no one present at this time besides the defendant, myself, and Butler; it was moonlight, but cloudy; after this, I followed defendant down the Sydney Road; I went down about 400 or 500 yards from where I caught the horse; I saw constable Lynch, and James Kirwan on the ground; I remained there about a minute; I went over to the Royal Hotel for Captain Battye; on the way over to the Royal Hotel I met Mr. Taylor near the chapel gate; it was about 200 or 300 yards from the body; I said to him I thought the poor fellow was shot; I afterwards saw Barr, the publican, about a minute after; I used the same expression to him; he said, who? I said poor James Kirwan; I asked him if Captain Battye was inside; I afterwards saw Captain Battye at the Royal Hotel; I had a conversation with Mr. Sturgeon two or three days after Kirwan's death; I asked him if it was he that was up in the rocks with deceased; he said yes; I asked him if he saw me; he said he saw some policemen coming up, but did not recognise me to be one; Sturgeon told me he said to Kirwan "look out, I see some one coming."

Cross-examined by Mr. Gannon: I have a good memory; I knew a warrant was out for Kirwan; sergeant O'Donoghue told me that there was a warrant on the Tuesday morning; I was examined at the inquest; I think the inquest was the day after; I was examined at the inquest whenever it was; I recollected the same at the inquest; defendant did not examine me as to what evidence I was to give here, but Captain Battye did, after the summons was issued for the defendant; defendant was in the same room at the time; I can't say if he could hear or not; he was in and out of the room when I was speaking; Captain Battye did not say much; defendant said nothing; this charge of murder was not his business; he was minding his own business; Captain Battye told me to tell him what I had to say; defendant was present part of the time; nobody else was present; this was about nine or ten days ago; Captain Battye examined me at the inquest; I said nothing then about the dodging about among the rocks; I did not then state that a warrant was out for Kirwan, nor stated anything about the conversation between Sturgeon and Barr; I was at the chapel fence when I stopped the horse, near Barr's; I mean to say that to the best of my belief it is about 400 or 500 yards from where I caught the horse to where the body was lying; I was in the barrack yard when defendant fired the shot; my horse was saddled, and another for the man I was to take with me; it was between eight and nine p.m. when I saw defendant try to take hold of Kirwan's rein at Ward's; it was Kirwan and it was defendant; I could not be mistaken; the parties at Ward's could tell as well as I what was said; I have had no conversation, to my knowledge, with defendant about Kirwan's affairs; I can't recollect saying anything; I may have said something.

Constable John Lynch deposed: I remember the 21st June last; I knew Kirwan, and was aware that a warrant was issued for him; I accompanied sergeant O'Donoghue—first to Sturgeon's store, then to Solomon's; I left the defendant at Solomon's and went back to Sturgeon's—the post-office; I met constable Ford; I went towards Barr's, and saw a man on horseback, riding towards the Market-square; I recognised him to be Kirwan, I went back to sergeant O'Donoghue, and met him coming from Mr. Solomon's; we proceeded towards the bank, from there to young Ward's public-house, in this town; I saw constable Ford and senior-constable Carroll who followed us; I went back; the defendant went into Ward's house; I saw senior-constable Carroll before we went together up into the rocks, about 200 or 300 yards in front of the house; I saw two horsemen; one rode off in the direction of the town and the other in the direction of the church.

Constable Ford, Mrs. John Ward, and David Taylor also gave evidence.

Mr. Freestone addressed the bench, and Mr. Gannon replied. It was decided that the matter should be left to the decision of the Attorney-General, on a point of law, and the case stands postponed for four weeks, awaiting his opinion.

WINDSOR.

[FROM OUR CORRESPONDENT.]

ST. MATTHEW'S CHURCH.—We are certainly in an age of progress. Ornamental glass painting, of a high order of artistic merit, now adorns a village church on the banks of the Hawkesbury. Two very beautiful windows on stained glass have lately been presented to St. Matthew's Church. They are the work of Wailes, of Newcastle-upon-Tyne, and well sustain the reputation of that now celebrated artist. The subjects are the "Calling of St. Matthew," and the "Raising of Lazarus." With a distinct recollection of many a "storied window, richly dight," in the churches of the old country, we regard these as worthy to be compared with the best. Each window has an ornamental border of rich and varied colours. In the centre is a large compartment filled with figures; above and below which are medallions of great beauty, the lower one in each window bearing the figure of an angel holding a scroll, lettered with words which form as it were the text of the whole subject. In the "Raising of Lazarus," the words are, "Though he were dead, yet shall he live." In the "Calling of St. Matthew," the legend is "Follow me." In the large central compartment of this window is a most effective group. The Saviour, the central figure, of great beauty and dignity, calls Levi from the "receipt of custom." The obedient publican meekly follows. Four other figures complete the group. In the distance are the blue waves of the Lake of Gennesaret, and a small walled village on the opposite shore. The artistic treatment of the whole subject is admirable. In the other window, Lazarus, raised from his four days' sleep, and emerging from the opened tomb, is represented in a posture of mingled devotion and awe, raising his hands, now freed, towards the Saviour. The figure of Christ, most prominent in the group, stands with uplifted hand, not only having summoned the dead to life, but pointing upward still, as suggesting a higher life to come, to which Lazarus is yet to be raised; the sisters Mary and Martha in attitudes expressing their respective characters, with countenances of love and adoration. The "other Mary," the Apostles, St. Peter, and St. John, and one more attendant, complete the group. In the foreground is a "bit" of splendid colouring of rock, ferns, and natural grasses, of the richest hues; while in the distant perspective is a view of the walls of Jerusalem. The light and brilliancy of this part of the picture are singularly beautiful; in short, the design, the execution, the effective grouping, and vivid colouring of both these works of art, leave nothing to be desired. From a legend at the foot of each window, modestly and reverently worded, we learn that the one is given "to the honour and glory of God, and the adornment of His house," as a memorial of the late Edwin Rouse, by his widow; and the other, with similar words of pious reverence, as the gift of E. W., the lady of Major Wingate. The setting-up of the windows has been performed in a thoroughly workmanlike manner by Mr. Johnson, builder, of this town.

NEWCASTLE.

[FROM OUR CORRESPONDENT.]

THE WEATHER.—On Friday evening last, the wind, which had been light from the southward during the day, shifted round to the eastward, blowing fresh and gradually increasing in violence as the morning broke, since which time the wind has come from nearly the same quarter, varying at times a few points. Although the wind was occasionally very squally, yet we have had little or no rain, while the news received from up-country speaks of a very heavy fall of rain for several days past, which had caused another high fresh in the Hunter. The Morpeth steamer proceeded up as far as Raymond Terrace yesterday, but Captain Harding did not deem it prudent, from the swollen state of the river, to venture further, consequently he returned to the wharf here. The wind decreased in violence yesterday afternoon, but the sea still continued to run high, and break right across the harbour. During the present severe weather it has been noticed by several parties that the sea appears to break heavier across the mouth of the harbour than ever before known; in fact, it has been considered quite a grand sight, though at the same time somewhat an anxious one, to witness the arrival and departure of the steamers passing through the fearful sea that has been running off Nobbys.

The river is quite fresh, with a strong course setting out. During the night, the lighter Stockton, with 200 tons coal on board, broke from her moorings, and drifted out to sea. The man in charge, it is said, saved his life by jumping overboard and swimming ashore. The wind has gone round to S.W.; it has been raining steadily all night, and is still coming down with every appearance of its continuance.

August 11th.

PEEL RIVER.

[FROM OUR CORRESPONDENT.]

BOWLING ALLEY POINT, 8th August.—We have to complain of miserable weather, with drizzling, bitter, cold rain, reminding one of the nipping winter days at home. Sickness still prevails to a great extent. It was but last night that Dr. Faddy told me that he had over forty patients then under his charge: a very large number for so small a community. The arrival of the above-named gentleman among us, just in the nick of time, with God's help, has been the means of saving many a life here this winter. He has the complete confidence of the people here, which, by-the-bye, may be worth one-half of his medicines.

Michael Swinney, mentioned in my last, taken up for stealing a grey docked-tail horse, branded J on near shoulder and T on thigh, has been remanded twice, and is still under remand, no owner for the horse having yet appeared. There is a warrant out for his apprehension on other charges of horse-stealing—so that should he get clear of this charge he will be again taken up.

A fiend in human form, named William Robertson, has just been committed to take his trial at the Maitland Criminal Court by the Nundle Bench, for committing a rape on a child about eight or nine years of age. Both the medical and other evidence is conclusive against him. He was seen in the act by three men, who tried to capture him, but he, having a horse, managed to mount and escape for the time. Luckily the brute was apprehended by senior-constable King on the Hanging Rock. His victim is in a very precarious and most deplorable state.

I must, however, close this letter, as my fingers and toes are almost benumbed with cold, a not very frequent thing here, particularly in the middle of the day.

SUTTON FOREST.

[FROM OUR CORRESPONDENT.]

FLOOD NUMBER FOUR.—Again we are visited in this locality by another flood, which threatens, whilst writing, to be equal to its predecessors. It has been raining here, with slight intermission, for the past three days; but the worst is to-day, Tuesday. The creek has been and is rising to the high water-mark. It is evident, from its rapid overflowing, that the late floods have in a great measure filled up portions of the creeks and waterholes with the mud washed down in the current, for it has not equalled in quantity the rain that has fallen previous to this, but must have come from a distance, in a southerly direction; no doubt from that quarter you will hear of other floods. It is really very tantalising just now that we should be once more visited with so much wet—independent of the injury to seed already sown, the season advancing, when gardening in all its operations is far delayed, and labour in the fields and on the railway works are suspended. The poor navvies have had much to contend against. For the last few months they have barely earned rations and are much disheartened. The storekeepers are afraid to furnish them with the necessaries of life—but the poor fellows must live during wet as well as sunshine—theirs has been truly a hard case, and they have borne up with their vicissitudes manfully. If inquiry were made into their circumstances, it would be found they deserve the consideration at the hands of the Relief Committee. It is too much to expect that the contractors alone could afford temporary assistance to 200 or 300 men employed by them; they have their own reverses to contend against, and receive no more from the Government than remuneration for the work accomplished. It is truly pitiable to think that such a fine body of hard-working men should be pinched because the elements are at war against them. As there is every appearance of a continuance of rainy weather, and many days may elapse before they can resume work, something might be done for them. In this district, although the floods do not cause such a vast deal of damage as they have done to our more unfortunate neighbours, yet the difference caused by the failure of the crops, &c., has within the last few years, in this district, impoverished a great many who were previously well-to-do, and could command any amount of credit, but at present are compelled to forego doing so, both as to their restricted means and the storekeepers fearful of taking the benefit of the Insolvent Court. So you may be sure trade here is, comparatively speaking, at a stand-still, confidence being completely shaken in business matters. I am inclined to believe we are not the only isolated instance, but that nearly every township in the colony is similarly affected. It is a long lane that has no turning—so we abide "the good time coming."

4 p.m.—Rain, rain, rain—heavily raining, and no signs of clearing up.

9th August.

IN MEMORIAM,

F. M.

Obiit August 4th, 1864.

I do not weep for him,
For him his fate I scarce regret;
And yet I mourn, with tears mine eyes are dim,—
My cheeks are wet.

I mourn for those bereft,—
His friends, and ones more loved than those;
Those in whose aching hearts a void is left
That will not close.

For that which needs so much
The fertile brain, the faithful hand,
Whose rankling ills require a skilful touch,—
His native land.

Perchance in future years
His light had been not low nor dim;
But we have lost him,—and for this my tears,
But not for him.

He hath no need for tears,
For he shall know of tears no more;
His life is measured not by span-like years,—
His work not o'er.

For are such gifts as his
But given that we may be bereft?
When blossoms droop and fall, the law is this,—
That fruit is left.

And he was born for fruit;
We hoped great things are he should fall;
Scarce twenty years have passed, and he is mute,
And is this all?

No! rather would we deem
That he is called to work above
The work for which his Master needeth him,
We know not of.

Yes! may it not be thus,
That in his wide-extended sphere,
Unfelt, unseen, he works with us, for us,
His brethren here?

And though we see not yet
The fruit for which the blossom fell,
We know God's purposes in love are set,—
That all is well.

E. B. D.

FREE PUBLIC LIBRARY SYDNEY

National Library of Australia http://nla.gov.au/nla.news-page1475626

GREAT SOUTHERN AND WESTERN LINES.

TIME TABLE FOR AUGUST.

DOWN TRAINS.

Stations.	Distance.	1.	2.	*3.	4.	*+5.	6.	7.	*8.	9.	10.	11.	Sat. Train (additional)	Sunday Trains 1.	Sunday Trains 2.	Sunday Trains 3.
		a.m.	a.m.	a.m.	a.m.	noon	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	a.m.	p.m.	p.m.
GREAT SOUTHERN LINE. Sydney	—	6 30	8 40	9 0	10 10	12 0	2 0	4 30	5 0	5 30	7 0	11 30	1 30	9 0	2 15	5 0
Newtown	2	6 39	8 46	..	10 16	p.m. 12 5	2 7	4 36	..	5 36	7 6	11 40	1 36	9 7	2 21	5 7
Petersham	3	6 46	8 53	..	10 21	12 11	2 12	4 41	..	5 41	7 11	11 47	..	9 12	2 26	5 12
Ashfield	5	6 53	8 58	..	10 27	12 16	2 18	4 46	..	5 46	7 16	11 53	1 44	9 19	2 31	5 19
Burwood	7	7 0	9 2	9 17	10 33	12 21	2 23	4 50	5 17	5 50	7 20	11 58	1 49	9 23	2 35	5 23
Homebush	8	7 6	9 6	..	10 37	..	2 27	4 54	..	5 54	7 24	a.m. 12 3	..	9 26	2 40	5 26
Haslem Creek	11	7 15	..	..	10 43	..	2 33	..	5 27	..	7 30	..	..	9 34	2 47	5 34
Parramatta (Junction) Arr.	13	7 26	..	9 30	10 49	..	2 39	..	5 33	..	7 36	12 13	2 4	9 40	2 53	5 40
Parramatta (Junction) Dep.	—	7 30	..	9 33	10 50	..	2 41	..	5 38	..	7 40	12 20	2 8	9 50	2 55	5 50
Great Western Line. Parramatta	14	7 35	..	9 43	10 54	12 41	2 45	..	5 43	..	7 45	12 30	2 15	9 55	3 0	5 55
Blacktown	21	..	..	10 3	..	..	..	..	6 3	..	..	12 58	2 32	10 15	..	6 15
South Creek	29	..	..	10 23	..	..	..	..	6 23	..	..	1 20	2 52	10 35	..	6 35
Penrith	34	..	..	10 33	..	..	..	..	6 33	..	..	1 35	3 2	10 45	..	6 45
Fairfield	18	7 50	..	9 45	..	1 0	..	..	5 48	..	..	..	2 18	10 3	..	6 3
Liverpool	22	8 15	..	10 0	..	1 10	..	..	6 3	..	..	..	2 31	10 18	..	6 18
Campbelltown	34	8 55	..	10 30	..	..	..	..	6 30	..	..	..	2 56	10 48	..	6 48
Menangle	40	9 15	..	10 45	..	..	..	..	6 45	..	..	..	3 13	11 3	..	7 3
Picton	53	9 55	..	11 20	..	..	..	..	7 20	..	..	..	3 45	11 38	..	7 38

UP TRAINS.

Stations.	Distance.	1.	2.	*3.	4.	5.	*+6.	7.	*8.	9.	10.	11.	Saturday Trains (Additional.)	Saturday Trains (Additional.)	Sunday Trains 1.	Sunday Trains 2.	Sunday Trains 3.
		a.m.	a.m.	a.m.	a.m.	a.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	a.m.	p.m.	p.m.
GREAT SOUTHERN LINE. Picton	—	2 0	..	7 5	..	..	..	..	4 0	..	..	..	..	12 15	7 55	4 0	..
Menangle	13	2 40	..	7 37	..	..	..	..	4 30	..	..	..	..	12 45	8 36	4 30	..
Campbelltown	19	3 5	..	7 55	..	..	..	..	4 43	..	..	..	..	1 4	8 40	4 43	..
Liverpool	31	3 50	..	8 20	..	..	1 25	..	5 8	..	..	..	..	1 30	9 5	5 8	..
Fairfield	35	4 15	..	8 30	..	..	1 40	..	5 18	..	..	..	..	1 40	9 15	5 18	..
Great Western Line. Penrith	—	3 0	..	7 46	..	..	..	..	4 35	..	..	..	..	12 55	8 35	4 35	..
South Creek	5	3 20	..	7 56	..	..	..	..	4 48	..	..	..	..	1 6	8 48	4 48	..
Blacktown	13	3 50	..	8 18	..	..	..	..	5 6	..	..	..	..	1 26	9 6	5 6	..
Parramatta	20	4 15	7 55	8 38	..	11 0	2 0	2 50	5 27	..	..	8 0	..	1 46	9 27	5 27	6 15
Parramatta (Junction) Arr.	40	4 35	7 59	8 43	..	11 4	2 4	2 54	5 31	..	..	8 4	..	1 53	9 32	5 31	6 19
Parramatta (Junction) Dep.	—	4 50	8 0	8 48	..	11 6	2 6	2 55	5 36	..	..	8 5	..	1 58	9 37	5 36	6 20
Haslem Creek	42	..	8 6	..	..	11 12	..	3 2	5 43	..	..	8 13	..	..	9 46	..	6 27
Homebush	45	..	8 17	..	9 10	11 19	..	3 9	..	5 0	6 0	8 22	..	..	9 54	5 53	6 34
Burwood	46	..	8 22	9 5	9 14	11 23	2 20	3 13	5 55	5 4	6 4	8 27	12 30	2 13	9 59	5 58	6 38
Ashfield	48	..	8 27	..	9 18	11 27	2 25	3 17	..	5 8	6 8	8 32	12 34	2 18	10 6	6 4	6 43
Petersham	50	..	8 34	..	9 23	11 33	2 32	3 23	..	5 13	6 13	8 37	12 39	2 26	10 11	6 10	6 48
Newtown	51	..	8 38	..	9 27	11 39	2 37	3 27	..	5 17	6 17	8 41	12 43	2 30	10 15	6 15	6 54
Sydney	53	5 40	8 47	9 35	9 35	11 47	2 43	3 37	6 15	5 25	6 25	8 47	12 50	2 36	10 26	6 25	7 0

N.B.—Passengers by Nos. 2 and 7 *Down* Trains from intermediate stations going beyond Parramatta Junction will be forwarded by Nos. 3 and 8 from Burwood.

Nos. 3 and 8 *Up* Trains will stop at Burwood to set down passengers only, and passengers for intermediate stations will change into Nos. 4 and 10.

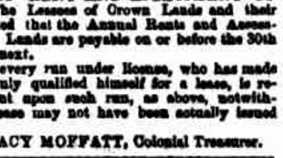
Trains will stop at Haslem Creek by signal only, and trains marked * will stop at Homebush also by signal.

No. 1 *Up*, and Nos. 1 and 11 *Down* Trains are *Goods* Trains with passenger carriage attached.

NOTE.—Special No. 11 *Down* Train will stop at intermediate stations to set down passengers only. Season tickets will not be available for this train.

Down Trains will stop at Douglass Park, if required, 10 minutes after leaving Menangle; and *Up Trains*, 20 minutes after leaving Picton.

† *On Saturdays*, No. 5 *Down* Train will not proceed beyond Burwood. No. 6 *Up* Train will not run.



The Treasury, New South Wales, 15th June, 1864.

APPLICATIONS will be received at the Treasury, from 10 a.m. to 3 p.m. daily, from persons desirous of purchasing TREASURY BILLS, issued under the Act 27 Victoria, No. 8, bearing interest at the rate of six per cent. per annum, and payable either in Sydney or in London, at the option of the purchasers.

GEOFFREY EAGAR.

The Treasury, Queensland, 11th July, 1864.

PAYMENT OF RENT AND ASSESSMENT OF RUNS.—The Lessees of Crown Lands and their agents are reminded that the Annual Rents and Assessment upon Crown Lands are payable on or before the 30th day of September next.

The holder of every run under license, who has made application and duly qualified himself for a lease, is required to pay rent upon such run, as above, notwithstanding that a lease may not have been actually issued to him.

T. DE LACY MOFFATT, Colonial Treasurer.

Queensland. Colonial Secretary's Office, Brisbane, 18th July, 1864.

TENDERS FOR POLICE SADDLES AND WELLINGTON BOOTS.—Tenders will be received at this Office until noon of FRIDAY, the 12th August next, from persons willing to contract for the supply of Saddles and Wellington Boots for the Police Service of this colony.

The articles must be all of colonial manufacture, and samples must be forwarded, free of charge, to the Colonial Stores in Brisbane.

The lowest or any tender will not necessarily be accepted.

By his Excellency's command,

R. G. W. HERBERT.

Commissioners' Office, Council Chambers, Auckland, July 30, 1864.

EXTENSION OF TIME TILL 26th SEPTEMBER.—PROVINCE OF AUCKLAND, New Zealand.—AUCKLAND AND DRURY RAILWAY.—TENDERS are invited by the Commissioners of the Auckland and Drury Railway for the performance of various works in the construction of TWENTY-FOUR MILES OF RAILWAY from AUCKLAND to DRURY, with a BRANCH LINE to ONEHUNGA.

Plans and specifications will be ready for inspection, at the above office, on and after the 6th of AUGUST, 1864.

Tenders for the works will be received until noon of MONDAY, the 26th of SEPTEMBER, 1864, and must be endorsed, "Tender for Works on Auckland and Drury Railway."

THOMAS CHEESEMAN, Chairman of Railway Board.

Department of Public Works, Sydney, 9th August, 1864.

£10 REWARD.—PUNT AT WOLLONGONG.—Whereas some evil disposed person or persons did, on the morning of the 11th June last, maliciously cut the rope which attached the Punt at Wollongong to her moorings, notice is hereby given that a reward of £10 will be paid by the Government to any person, not being a principal in the act, who shall give such information as will lead to the discovery of the party or parties concerned.

ARTHUR T. HOLROYD.

AUSTRALIAN ALLIANCE ASSURANCE COMPANY.—Fire Insurance, Life Assurance, Guarantee for Honesty.

New South Wales Branch, Exchange-corner, Sydney. Capital, £25,000.

Fire Insurance at current rates, with special privileges to insurers.

Life Insurance and Guarantee Policies issued separately or combined.

Agents wanted.

JOHN MARTIN, Secretary.

AUSTRALASIAN FIRE, LIFE, and MARINE INSURANCE COMPANY.

Head Office: Hall of Commerce, Melbourne.

Possessing an accumulated reserve fund that amounts to upwards of £60,000.

FIRE DEPARTMENT.

First-class risks are taken at rates of premium varying from 3s. 6d. to 6s. 6d.

MARINE DEPARTMENT.

Policies effected at lowest current rates, and losses made payable in Sydney, Melbourne, or London, at option of assurer.

This Company is favourably known in the colonies for its extreme promptitude in the settlement of all claims.

The undersigned having been appointed agents in Sydney, are now prepared to insure every description of Fire or Marine risk.

MONTEFIORE and MONTEFIORE. Exchange Corner.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY.—The Directors are now prepared to grant assurances on one life to the extent of £4000 (FOUR THOUSAND POUNDS).

ROBERT THOMSON, Actuary and Secretary.

Principal Office, Sydney, July 22nd, 1864.

THE SOUTHERN INSURANCE COMPANY. (Limited.)

Head Office, Melbourne.

Capital, £1,000,000, in 200,000 Shares of £5 each.

First Issue, 60,000 Shares. 5s. Deposit on Application, and 15s. per Share on Allotment.

PROVISIONAL BOARD OF DIRECTORS.

William Bayles, of Messrs. W. Bayles and Co.
John Hutchison, Blackwood, of Messrs. M'Meckan and Blackwood
Francis John Bligh, of Messrs. Bligh and Harbottle
James L. Burke, of Messrs. J. L. and C. Burke
Henry Dickson, of Messrs. Dickson, Williams, and Co.
Stephen George Henty
Edward Keep, of Messrs. Bishop and Keep
Frederick Lamb, of Messrs. Parbury, Lamb, and Co.
James Lorimer, of Messrs. Lorimer, Marwood, and Rome.
Henry Paterson Palmer, of Messrs. Paterson, Ray, Palmer, and Co.
F. W. Prell, of Messrs. Heage and Prell
Ferdinand Spiro, of Messrs. Sloane and Co.
W. G. Sprigg, of Messrs. Sprigg, Twentyman, and Co.
George Stevenson, of Messrs. L. Stevenson and Sons
Harold Selwyn Smith
William Kerr Thomson, of Messrs. James M'Ewan and Co.
Phipps Turnbull, of Messrs. R. and P. Turnbull and Co.
James White, of Messrs. Holmes, White, and Co.

Bankers—The Bank of Australasia.

Solicitors—Messrs. Klingender, Charsley, and Liddle.

This company is projected under the conviction that the establishment in Melbourne of another first-class insurance company is rendered desirable by the rapidly increasing trade of the colony, and by the accumulation of capital offering for legitimate investment.

The experience of the companies now established in Melbourne proves that in all branches of insurance our local institutions successfully compete with the foreign companies which have hitherto to a large extent monopolised the profits of the business.

This successful competition arises from the general desire and expediency on the part of colonists to support local institutions, and from the facilities afforded for the prompt settlement of claims.

For the present it is intended to confine the business of the company to the marine branch of insurance; but power will be taken in the Articles of Association to enable the company at some future time to engage in general insurance business whenever the shareholders shall consider it desirable to do so.

In view of the fact that in New South Wales there are six and in Tasmania three marine insurance companies, it is believed that here, where the imports and exports are far in excess of those of the other colonies combined, a purely marine business can be successfully established and maintained.

Agencies or branches will be established in London and other places. For the present, however, it is proposed that the company should confine itself strictly to business in connexion with the Australasian colonies.

The first issue of shares will not exceed 60,000, of which 50,000 will be reserved exclusively for Victoria, and, if applied for, 10,000 for the adjacent colonies.

Business will not be commenced until £50,000 shall have been paid up.

The liability of the shareholders will be limited under the provisions of the "Companies Statute, 1864."

Sealed applications for shares, accompanied by a deposit of 5s. per share, will be received at the Bank of Australasia up to Monday, the 25th day of August, 1864.

Prospectuses and forms of application can be obtained at the temporary offices of the company, Bank place.

The Provisional Directors reserve to themselves the right to allot the shares as they in their discretion may think fit.

THE EUROPEAN ASSURANCE SOCIETY FOR LIFE ASSURANCE AND FIDELITY GUARANTEE.

Life Assurance and Guarantee Policies issued separately, or at reduced rates if combined.

The premiums charged in each department are the lowest that can be adopted with safety to the assured and the society.

FREDERICK J. JACKSON, Resident Secretary. 32, Hunter-street, Sydney.

NOTICE.—The PARTNERSHIP heretofore subsisting between the undersigned JOHN MOORE, JOSEPH SCHOLES, and ROBERT SCHOLES, carrying on business as general storekeepers at Armidale and Inverell, under the style or firm of John Moore and Company, was this day DISSOLVED by effluxion of time.

Dated this 1st day of July, 1864.

(Signed) JOHN MOORE, JOSEPH SCHOLES, ROBERT SCHOLES.

Witness—ROBERT PAYNE, solicitor, Armidale.

NOTICE.

We, the undersigned, hereby authorise and request all persons indebted to the late firm of John Moore and Co., carrying on business at Armidale and Inverell, to pay their respective DEBTS to Mr. JOHN MOORE, whose receipt shall be a sufficient discharge.

And the said JOHN MOORE is also authorised to satisfy the outstanding liabilities of the said firm.

(Signed) JOSEPH SCHOLES, ROBERT SCHOLES.

Witness—ROBERT PAYNE, solicitor, Armidale.

PRODUCE STORES.—Messrs. DURHAM and IRWIN are prepared to receive wool, sheepskins, tallow, hides, &c., for sale by auction or privately, at their Produce Stores, Circular Quay.

Liberal advances made on wool, sheepskins, tallow, and hides consigned to them for sale or shipment.

Circular Quay, 1st October.

ESTABLISHED 21 years.—Corner of Pitt and King streets.—Dr. EMANUEL, Surgical and Mechanical Dentist.—Artificial teeth, gold and vulcanite; teeth extracted, stopped. Moderate charges. Opposite Toogood's Hotel. N.B.—No connection with my old establishment, No. 330, George-street.

NERVOUS DEBILITY.—Dr. PERRY and CO., surgeons, 126, Castlereagh-street North, may be confidentially consulted upon all cases of nervous debility, skin diseases, local weakness, and all secret complaints. Private entrance to surgery in Elizabeth-street, near Hunter-street. Dr. PERRY and CO. may be consulted by letter. Explicit details necessary, and strictest secrecy maintained. 126, Castlereagh-street North.

MEDICAL CARD.—Dr. VAN HEEKEREN, Consulting Physician, from New York (U.S.), may be consulted confidentially on all nervous diseases and prostration of the system, nervous and physical debility, all neglected complaints, and those arising from exposure, imprudence, or excesses.

Dr. Van Heekeren's great experience in the hospitals of Paris, and his long practice in the United States of America, give him the guarantee of great success also in this colony.

All cases given up by other physicians as incurable will be attended to with the utmost care.

Consultations to both sexes, from 9 a.m. till 9 o'clock in the evening, at 283, Castlereagh-street, near Park-street.

N.B.—Private and separate waiting rooms.

MATICO CAPSULES
Matico Injection
Syrup of Hypophosphite of Lime
Iodated Syrup of Horseradish
Elixir of Pepsine.

A large supply of the above valuable FRENCH MEDICINES have just been received by CHARLES C. FINCH, chemist, 84, King-street.

HOLLOWAY'S PILLS.—Perfect Purity.—No impurities can exist in the human body which can elude the cleansing properties of these pills. They render digestion perfect, correct all the irregular action, remove all obstructions, and confer strength on mind and body. Sold by SARPY and MUSGRAVE, 93, King-street, Sydney.

AGUA AMARELLA restores grey hair to its original hue. A fresh supply just received. M'MAHON.

GENERAL FLOOD RELIEF FUND.—EIGHTEENTH LIST.

	£	s	d
Balance of subscription received from the Iron Trade, per Thomas M'Arthur, Esq., as per detailed list	£53	14	8
Second instalment from the Flood Relief Committee of Wollongong, per S. Pearson, Esq., treasurer	75	0	0
Subscriptions from Deniliquin and its vicinity, per F. A. Corbett, Esq.	133	3	2
Mr. Thornthwaite	1	0	0
R. Kool	1	0	0
A poor Widow	0	0	6
Second contribution from the congregation of St. Clement's Church, Yass, per the Rev. F. A. C. Lillingston	4	2	0

Subscriptions collected by H. M. Joseph, Esq., of Maharatta Station:—

H. M. Joseph, £3 3s; Mrs. H. M. Joseph, £2 2s; Emanuel Jones, £1 1s; Mrs. Emanuel Jones, £1 1s; Henry Solomon, £1 1s; Samuel Allen, £1; John A. Stevenson, £1; J. D. Stafford, £1; Mrs. Stewart, £1; William Dent, jun., £1; William Dent, sen., 10s; Isaac Dent, 10s; William Strond, 10s; Mrs. William Strond, 10s; John Pleydell, 10s; John Pleydell, jun., 10s; John Plowright, 10s; John M'Leod, 10s; Jeremiah Blackburn, 10s; Mrs. Corcoran, 10s; Joseph Corcoran, 10s; Simon Corcoran, 10s; John Smith, 10s; Mrs. John Smith, 10s; Miss Jane Thomas, 10s; Samuel Kerry, 10s; George Pleydell, 5s; Mrs. George Pleydell, 5s; Ellen Corcoran, 5s; Katherine Corcoran, 5s; Mrs. Barnes, 10s; Charles Lawson, 10s; Mrs. Thompson, 5s; L. Thompson, 5s; Miss Annie Thompson, 4s; Miss Mary Groves, 5s; Henry Moore, 5s; Charles Manning, 5s; Thomas Armstrong, 5s; Robert Comben, 5s; John Comben, 5s; Edward Comben, 5s; Bessie Comben, 2s 6d; Allen Cameron, 2s 6d .. 26 2 0

Collected at Parramatta, per John Dobson, Esq., treasurer:—

Messrs. J. and W. Byrnes—one bale, containing 50 pairs navy blankets.

Collected by Revs. W. Wood and W. Vallack.

	£	s	d		£	s	d
Mr. Isaac Cannon	£0	5	0	Mrs. Hughes	£0	2	6
Mrs. J. Smith	0	1	6	Mr. Luker	0	5	0
Mr. H. Bolton	0	1	0	Mrs. Ellen Turner	1	0	0
E. Brown	0	10	0	Mr. Anderson, jn.	1	0	0
T. Walker	0	1	0	Mrs. Floyd	0	5	0
E. Newland	0	1	0	Mr. W. Ritchie	0	2	6
Mrs. Gallagher	0	1	0	J. Booth	0	10	0
Bohle	3	3	0	E. Hallen	0	10	0
Mr. M. Reynolds	1	1	0	Mrs. Hallen	0	10	6
Charles Risbey	1	0	0	Nash	0	5	0
A Friend	0	4	0	Mr. Bullock	1	1	0
Mr. A. Michie	0	1	0	Harper	1	0	0
Joshua Ardill	0	2	6	Mrs. M'Donald	0	2	6
Deane Hoare	0	5	0	Mr. Murray	0	10	0
J. Ferrar	0	2	0	W. Arundel	0	5	0
A. Newland	0	5	0	John Paterson	0	2	0
T. Price	0	5	0	J. Clifton	1	1	0
Mrs. Price	0	2	6	Dr. Fyffe	1	1	0
Mr. T. Price, jun.	0	2	6	Mr. Ritchie	0	5	0
Mrs. Quodling	0	2	6	W. Byrnes	1	0	0
Kennedy	0	7	0	T. Scales	0	1	0
Mr. C. S. Oakes	1	0	0	Dr. Greenup	5	0	0
Jenkins	0	3	0	Mr. J. Gallaway	2	3	0
Miss Tuckwell	0	5	0	J. Houison	2	0	0
Mr. James Garvey	0	10	0	J. Brown	1	0	0
Walter Gates	0	2	6	W. Ashley	0	1	0
L. Culmsee	0	5	0	Mrs E. Larker	0	2	6
Alderman Payten	3	3	0	Kate Kenall	0	2	6
Mr. A. E. Dare	3	3	0	Miss K. Greenup	0	2	6
Lowe	0	2	0	Mr. J. Hind	0	2	6
W. Campbell	0	5	0	G. Gerling	0	5	0
Mrs. Melrose	0	0	6	Dr. W. Brown	2	0	0
Mr. W. Holdworth	0	2	6	Miss Schomberg	1	0	0
J. Hanson	0	2	6	Laura Clayton	0	5	0
C. Langford	0	2	6	Isabella Prigg	0	5	0
J. Murphy	0	2	6	Mrs. Prigg	0	5	0
John Barrett	0	2	6	Mr. Beukers	0	10	0
C. Banford	0	2	6	M'Combe	0	2	6
Daniel Riggery	0	0	6	Mrs. Cameron	1	0	0
J. M'Veigh	0	2	6	Wood	0	5	0
J. Cox	0	2	6	A. M'Namara	0	3	0
Mrs. Cardiff	0	5	0	Mr. John Seiler	0	1	6
Mr. Hole	0	10	0	Mrs Howlett	0	1	0
Rawlinson	0	2	6	Barnett	0	5	0
Ennis	0	10	0	Miss Chandler	0	5	0
Goodall	0	1	0	Mr. Booth, senr.	0	2	6
Sergeant J. Kelly	0	10	0	Mrs. Denning	0	2	6
Mr. P. Vaughan	0	10	6	Mr. J. Booth	1	0	0
J. Beattie	0	3	6	Pratt	0	5	0
Mrs. Jones	0	2	6	Jordan Sparks	1	0	0
Mr. S. Stainos	0	1	0	A Friend	0	10	0
S. Perry	0	2	0	Miss Reynolds	0	10	0
Henry Birk	0	2	6	Mr. Campbell	0	2	6
John C. Baker	0	10	0	John Smith	0	10	0
Mrs. Wickham	1	0	0	D. Campbell	0	5	0
Mr. J. J. Overton	0	10	0	Entwistle	0	2	6
James Ritchie	0	1	0	Roberts	0	2	6
John Douglass	0	2	6	Mrs. Fitzgerald	0	5	0
Miss R. Anderson	0	1	0	Abbott	0	2	6
Mrs. Crouch	0	5	0	Connor	0	10	0
Mr. F. Vehrenkamp	0	2	6	Mr. C. Lakeman	0	10	0
Mrs. M. Donnelly	0	5	0	J. Macey	0	2	6
Mr. R. M'Donald	0	5	0	Mrs. Croucher	0	1	0
A Friend	0	1	0	Mr. Taylor	0	2	6
Mr. T. M'Brien	0	3	0	Mrs. Harvey	0	2	6
Miss E. F. Bateman	0	5	0	Mr. Woodgate	0	10	0
Mr. Gardiner	0	10	0	Power	0	5	0
G. Doust	0	10	0	White	0	2	6
Coyle	1	0	0	F. Wickham	1	0	0
P. Fanity	1	0	0	S. Bowerman	0	10	0
A Friend	0	1	0	Mrs. Bowerman	0	5	0
Mr. Little	0	2	6	Mr. J. Williams	2	2	0
A. Johnstone	0	2	6	Miss M'Brien	1	0	0
Cardinal	1	0	0	M'Brien	0	5	0
Thearle	0	5	0	E. Williams	0	2	6
J. Parker	1	0	0	C. Cook	0	2	6
J. H. Gregg	0	5	0	Mr. Timothy Ford	0	2	6
D. Watsford	0	2	6	C. Keywood	0	4	0
N. Payten, jun.	1	0	0	Mrs. Connor	0	10	0
Joseph Ibbotson	0	5	0	Mr. G. Beresford	0	2	6
W. Ward	0	5	0	Croucher	0	2	6
Mrs. Bellman	0	10	0	J. C. Rutter	3	0	0
Campbell	0	1	6	R. C. Rutter	0	12	0
Mr. Clews	0	1	0	Dr. Rutter	1	0	0
Miss Brown	0	1	0	Mr. S. Raines	0	5	0
Mrs. Fox	0	7	0	R. Powell	0	5	0
Mr. H. D. Sutton	0	7	6	Allen	0	2	6
J. Hawkins	0	2	6	H. Osborne	0	2	6
G. North	0	3	0	Mrs. M. Cranny	0	5	0
Miss Hughes	0	5	0	Ellen Thorne	0	5	0

Collected at Lunatic Asylum, Parramatta, per Dr. Greenup.

	£	s	d		£	s	d
Male Division.				Mr. J. Slade	0	2	6
Mr. W. Prior	0	5	0	Female Division.			
C. E. Bowling	0	7	6	Mrs. Jenkins	0	3	0
J. Savage	0	2	6	Veitch	0	2	0
J. Veitch	0	2	6	Miss Maher	0	2	0
W. Groves	0	2	6	Hynes	0	2	0
W. Kelly	0	2	6	Mrs. O'Shea	0	2	0
T. Johnson	0	2	6	Brown	0	2	0
W. Carroll	0	2	6	Miss Irwin	0	2	0
G. Connors	0	2	6	Warren	0	2	0
J. M'Grieny	0	2	6	Mrs. Halligan	0	2	0
L. Kirwin	0	2	6	Miss Garvin	0	3	0
W. Burns	0	2	6	Mrs Veitch, sen.	0	2	0
J. Halligan	0	2	6	E. Veitch	0	2	0
W. Brett	0	2	6	Clark	0	2	0
E. Kell	0	2	6	Miss Elias	0	2	0
M. Fleming	0	2	6	Mrs. Deadman	0	2	0
P. Valey	0	2	6	Adams	0	2	0
J. Douglass	0	2	6	Vaughan	0	2	0
J. Purcell	0	2	6	M'Ginley	0	2	0
M. M'Cann	0	2	6	Rupel	0	2	0
J. Wharf	0	2	6	Doyle	0	2	0
A. Dixon	0	1	0				

Collected by Messrs. J. F. Staff and Thomas Flynn.

	£	s	d		£	s	d
Mrs. Allport	0	10	0	Mrs. Love	0	5	0
Ahearn	0	5	0	Miss Julia Little	0	5	0
Rev. G. Barlow	7	0	0	Mr. T. May	3	3	0
Mr. A. Blake	2	0	0	Mara	1	0	0
Miss C. Burns	1	0	0	Miss Mara	0	10	0
Mr. Brooks	0	5	0	Mr. Muston	0	10	0
Mrs. Bayes	0	3	0	M'Cue	0	10	0
Barber	6	2	6	Peter Miller	1	0	0
Barnes	0	2	6	Mead	0	5	0
Burling	0	1	0	Mrs. M'Dowell	0	2	6
Mr. Vince Carr	1	1	0	Miss M'Dowell	0	2	6
James Carr	1	0	0	M'Cullough	0	1	0
Callaway	0	10	0	Mr. F. Oakes, J.P.	2	0	0
Mrs. H. J. Cox	0	2	6	Mrs. Peters	0	5	0
Carr, jun.	0	1	0	Perdue	0	2	0
Mr. W. Drew	0	10	0	Perry	0	1	0
Mrs. Doyle	0	2	6	Miss Rogers	0	5	0
Mr. T. Flynn	2	0	0	Mrs. C. W. Rowling	0	5	0
Mrs. Fullager	1	0	0				
Mr. Ferguson	0	1	6	Mr. R. L. J. Rowling	0	10	0
R. Fitzgerald	0	1	0				
Mrs. Gates	0	1	0	Miss Rountree	0	2	6
Griffiths	0	2	6	Mr. J. S. Redd, J.P.	10	0	0
Mr. W. Hickey	1	0	0	Rev. C. W. Bigg	2	0	0
Mrs. Hickey	0	10	0	Mr. Isaac Robey	0	5	0
Mr. M. Higgins	0	10	0	Mrs. Sloane	0	2	6
Charles Hall	1	0	0	Mr. J. F. Staff	2	2	0
Hawkins	0	2	6	Mrs. Staff	1	1	0
Mrs. Hawkins	0	2	6	Mr. J. B. Staff	1	1	0
Hartlett	0	1	0	Mrs. Sandon	0	2	6
Mr. H. T. Jones	0	2	6	Mrs. Taylor	0	1	0
J. W. Johnston	1	0	0	Ditto (school children)	0	1	7
Mrs. Jones	0	5	0				
Rev. R. L. King	2	0	0	Messrs. Taylor and Murphy	2	2	0
Mrs. King and Camplebay children	2	0	0	Mr. J. Vallack	5	0	0
				F. T. Watkins	1	0	0
Mr. D. Lennox	1	0	0	Mrs. Watkins	1	0	0
W. Layton	0	5	0	Walton	0	1	0
Miss Layton	0	2	6				

Collected by Messrs. J. C. Barker and D. Flinn.

	£	s	d		£	s	d
Mr. W. Woolls	4	0	0	A Friend	0	1	0
Mrs. C. Edgell	0	2	6	Miss G. T.	0	2	6
Howe	0	4	0	Mr. Haggitt	0	3	0
Mr. Lewton	0	5	0	Mrs. G. Ellison	0	2	6
Mrs. R. Hill	0	0	6	Griffiths	0	10	0
A Friend	0	2	6				

Collected by Messrs. May and Golledge.

	£	s	d		£	s	d
Mrs. Williams	0	5	0	Mr. J. Whitworth	0	10	0
Mr. Isaac King	1	0	0	D. D. Henderson	0	5	0
Patrick Hayes	0	10	0	Anderson	0	1	0
John Doyle	0	10	0	B. Lee	0	10	0
Thomas Cook	0	5	0	Mrs. Phillips	1	0	0
Mr. and Mrs. Gibbs	0	10	0	A Widow's mite	2	0	0
Mr. Craig	0	5	0	Mr. R. Webb	0	10	0

	£	s	d		£	s	d
G. Gwynne, M.D.	0	10	0	Joseph Gray	0	5	0
Alderman Neale	3	0	0	J. Gowanlock	2	2	0
Mr. John Hilt	0	10	0	A. Harrison	1	0	0
Mrs Orton	0	2	6	Joseph Clift	2	0	0
Mr. W. Sibson	1	0	0	J. Payten	0	5	0
E. L. Rowling and family	1	10	0	W. P. Stephenson	0	10	0
				Butler	0	3	6
Mrs. Barber	0	2	6	Reeves	0	1	0
Mr. E. Mason	2	0	0	C. B. Lyons	1	1	0
S. Burge	1	0	0	J. Gilbert	0	10	0
T. Clarke	0	10	6	Dr. G. H. Pringle	3	0	0
Master T. Clark	0	3	0	Charity	1	0	0
Mrs Clark	0	5	0	Mr. J. Golledge	2	0	0
Mr. Hebbs	0	1	0	J. W. Pass	1	0	0
Dunn	0	5	0	John Holland	1	1	0
George Rogers	1	1	0				

Collected by Mr. Alderman Purchase and M. A. Payten.

	£	s	d		£	s	d
Mr. Alderman Purchase	5	5	0	Mr. R. Burgin	0	2	6
				Robert Hill	0	2	0
A. Payten	3	3	0	C. Hill	0	1	0
Mrs. Murray	2	2	0	J. Beakworth	0	2	6
M. A. Higgins	0	5	0	Joseph Shaw	0	0	6
Collected at Messrs. Byrnes and Co.'s Factory, Mill, and Steamer.				J. Holmes	0	2	6
				Donaldson	0	1	6
				John Hill	0	1	0
Mr. J. Byrnes, J.P.	2	0	0	A Friend	0	1	0
Mr. J. Bergan	0	5	0	Mrs. Risby	0	2	6
G. H. Smith	1	0	0	Mr T. Lovewell	0	1	0
Joseph Curtis	0	2	6	George Neale	0	10	0
N. Gazzard	0	2	6	Silas Sheather	1	0	0
C. Edgell	0	2	6	G. Bellamy	0	2	6
H. Clayfield	0	5	0	Miss Sparkes	0	2	6
John Burgin	0	2	6	Captain Brest	1	0	0
Joseph Burgin	0	2	6	Mr. James Craney	0	5	0
John Cornwall	0	2	6	Mrs. Waugh	0	2	6
Joseph Hibbert	0	2	6	Mr. Reuben Smith	0	5	0

Collected at the Government Benevolent Asylum, George-street, per Mrs. Dennis.

	£	s	d		£	s	d
Master	0	5	0	Richard Bower	0	2	6
Matron	0	2	6	M. Barron	0	2	6
Children	0	1	6	M. Foley	0	0	6
Robert Salter	0	2	6	H. Taylor	0	0	6
Thomas Tapp	0	5	0	R. Grooby	0	0	6
W. Jones	0	0	6	W. Ramsford	0	0	6
H. E. and J. F.	0	2	0	L. M'Pherson	0	2	6
H. Hodgkin	0	0	6	J. Nightingale	0	2	6
J. Goodey	0	1	0	S. Burgess	0	2	6
R. H.	0	2	6	P. Hanlon	0	2	6
J. Lowe	0	1	0	H. Massy	0	1	0
J. Lynch	0	1	0	J. Finigan	0	1	0
W. Allen	0	1	0	P. Daley	0	0	2

Collected by Messrs. Aldermen Pye and Trott, and Mr. James Southwell.

	£	s	d		£	s	d
Mr. S. Armidale	0	5	0	Mr. D. Kennedy	0	2	6
T. Atkins	0	7	6	Madame Lamont	0	5	0
Berwin	0	5	0	Mr. J. Lavers	0	2	0
Mrs. Bindle	0	1	6	Lye	0	2	0
Mr. D. Brien	0	10	6	Mrs. Mullane	0	5	0
J. Breathour	0	10	0	Mr. W. M'Laren	0	10	0
M. Byrne	0	5	0	Mrs. M'Mahon	0	2	0
E. Bradwick	0	10	0	Mr Ralph Mood	0	5	0
M. Carry	1	0	0	C. M'Rae, J.P.	5	0	0
W. Cock	0	2	6	Mr. Matthews	0	2	6
R. Craig	0	2	6	Mr. M'Dede	0	10	0
D. Cahill	0	2	6	J. M'Roberts	1	0	0
N. Connolly J.P	1	0	0	Lars Olsen	0	5	0
F. Cahill	0	0	6	Miss Olsen	0	1	0
Widow Colville	0	2	0	Mrs. N. Orr	0	2	6
J. Edrop	2	0	0	Mr. R. Powell	0	5	0
A Friend	0	2	6	Alderman Pye	5	0	0
Mr. Ferris	0	2	6	Denis King	0	2	6
A Friend	0	10	0	Robinson	0	10	0
Mrs. Forshaw	0	5	6	J. Southwell	0	10	0
Garling	0	2	6	J. Simmons	1	0	0
Mr J. Gunn	0	5	0	Seymour	0	5	0
J. Grainger	0	5	0	C. Spooncer	0	5	0
R. Godson	0	5	0	William Smith	0	2	6
G. Griffin	0	10	0	John Steel	0	5	0
Mrs. Groves	0	1	0	James Tucker	0	2	6
Mr. Greenless	0	2	0	Mrs. Alderman Trott	1	1	0
B. Handcock	0	2	0				
Mrs. Harrison	0	2	6	A Friend	0	1	0
Mr. W. Kelly	0	2	0	Mr. James Willis	0	10	0
C. Klein	0	2	6	T. Whiteside	2	0	0

Collected by Mr. Alderman Harvey and Mr. James Southwell.

	£	s	d		£	s	d
Mr. R. Booker	0	2	0	Mr. Hyman	0	2	6
Chapman	0	2	0	Jerratt	1	0	0
Campbell	0	10	0	C. J. Mood	0	5	0
R. Dunn	0	1	0	M. Neville	0	2	0
R. Doherty	0	10	0	Stow	0	2	6
R. Doherty	0	5	0	Tebbet	0	5	0
A. Forsythe	0	10	0	Thompson	0	5	0
S. Gilbert	0	10	0	Mrs. Weekes	0	1	0
J. Gray	0	2	6				

Collected at H. M.'s Gaol, Parramatta, from officers, by Thomas Duke Allen, Esq., Governor.

	£	s	d		£	s	d
Mr. T. D. Allen	0	10	0	Mr. S. Donaldson	0	5	0
W. Austin	0	10	0	James Kelly	0	2	6
R. M'Gregor	1	10	0	Alex. Elliott	0	2	6
John Flanders	0	2	6	Owen Connor	0	10	0
Henry Mather	0	2	6	John Mahoney	0	2	6
James Curnane	0	5	0	Simon Conroy	0	2	6
J. B. Billis	0	5	0	William Stows	0	2	6
George Small	0	2	6	W. Stewart	0	10	0
James Rosche	0	2	6	Andrew Craigh	0	5	0
Arthur Drury	0	2	6	Allen M'Innes	0	2	6
Robert Rae	0	5	6	J. Williams	0	10	0

Collected at Pennant Hills and Field of Mars by John Mills and George Spurway, Esqrs.

	£	s	d		£	s	d
Mr. G. Spurway, sen.	5	0	0	Mr. Mark Davis	0	2	6
Mrs. M. Green	1	0	0	J. Wicks, sen.	0	2	6
Mr. C. Fearon, J.P.	2	2	0	J. Wicks, jun.	0	2	6
J. Fearon	0	10	0	W. Tutt	0	10	0
A. St. Fearon	0	10	0	J. M'Caffin	0	2	0
Miss K. Mullally	0	5	0	Mrs. Hay	0	5	0
Mr. J. Dengate	0	1	0	From Pennant Hills Quarry, as under, viz:			
Mrs. W. Eyles	0	2	6				
Matilda Eyles	0	5	0	Mr. S. Ogden	1	0	0
Mr. James Eyles	0	10	0	T. Barrett	0	10	0
R. Goldrick	0	10	0	M. M'Evoy	0	5	0
James Troy	0	1	0	W. Keith	0	5	0
Standish Drew	0	1	0	B. Band	0	5	0
Mr. Thompson	0	2	0	John Dobbin	0	2	6
Mr. C. Landgreif	0	2	6	James Boyle	0	5	0
T. Wormleaton	0	5	0	W. Fitzgerald	0	5	0
Protestant Orphan School.				T. Staunton	0	2	6
				T. M'Grath	0	2	6
E. W. Betts	1	1	0	James Muir	0	2	6
R. M'Namara	0	5	0	Mrs. Robertson	0	2	6
W. M'Donald	1	0	0	Mr. W. Mills	0	2	6
A Friend	0	3	0	William Neil	0	2	6
Mrs. Ford	0	2	6	John Callinan	0	2	6
Ready	0	2	6	John M'Kee	0	5	0
Greenslade	0	1	0	James Murphy	0	2	6
Jane Scone	0	2	0	Alfred Ogden	0	2	6
A Friend	0	1	2	Peter Rahall	0	5	0
Mrs. Jowet	0	2	0	Moses Smith	0	2	6
Mr. A. Robinson	0	2	6	James Byrne	0	2	6
John Lator	0	2	10	John Lewis	0	2	6
B. Osborne	0	5	0	James Mills	0	2	6
Annie Maloy	0	2	6	David Lewis	0	2	6
Miss Hare	0	1	0	Michael Dobbin	0	2	6
Children female	0	1	9	John Lewis	0	2	6
Ditto male	0	1	10	Patrick Brien	0	2	6
Mr. R. Mitchell	0	2	6	Edward Ryan	0	2	6
Aynsley	0	5	0	T. Murphy	0	2	6
Mrs. Aynsley	0	2	0	John Callinan	0	2	6
Mr. J. Aynsley	0	1	0	P. Lenehan	0	5	0
James Manny	0	2	6	S. Lawrence	0	2	6
James Berry	0	2	6	John Hanna	0	2	6
T. Cooper	0	2	6	J. Murphy	0	2	6
Mrs. Knight	0	2	6	Peter Callinan	0	2	6
Mr. Green	0	2	6	Michael Clune	0	2	6
Stephenson	0	10	0	John Catt	0	2	6
Mrs. Forster	5	0	0	A. Gallagher	0	2	6
Miss Forster	1	0	0	Joseph Cutts	0	2	6
Mr. J. Mobbs	0	2	6	Patrick Ryan	0	2	6
W. Mobbs	0	19	0	John Gilligan	0	2	6
W. White	0	5	0	Alick Eyles	0	2	6
J. Adams	0	5	0	W. Hitchcock	0	2	6
J. Sedgwick	0	1	0	George Drury	0	2	6
J. Mills, sen.	2	2	0	John Drury	0	2	6
Mrs. Mills and family	2	2	0	W. Catt, sen.	0	5	0
				W. Catt, jun.	0	2	6
Mr. F. French	0	5	0	Henry Catt	0	2	6
T. Ward	0	2	6	Thomas Mealey	0	2	0

Collected by Joseph Kenyon, Esq., J.P., and H. Whitaker, Esq., at Smithfield, Fairfield, Sherwood, &c., &c.

	£	s	d		£	s	d
Mrs. Simpson	1	0	0	Mr. F. Critchley	0	5	0
Mr. Jacob Stein	0	10	0	S. Critchley	0	5	0
John Hamilton	1	0	0	Sidney Brown	0	3	6
John Humph	1	0	0	A Friend	0	10	0
J. J. Watts	0	5	0	Mr. John Smith	0	1	0
J. Kenyon, J.P.	1	0	0	Daniel Ross	0	1	6
S. Crook	1	1	0	Isaac Herford	0	2	6
H. Whitaker	5	0	0	Mrs. Miller	0	2	6
H. Foster	0	5	0	Mr. Lester	0	5	0
J. Stein	0	10	0	Webb	0	5	0
John Carson	0	10	0	A Friend	0	5	0
Job Hodges	0	10	0	Mr. J. Mansfield	0	2	6
Walter Hodges	0	5	0	Mrs. S. Smith	0	2	6
William Smith	0	2	6	Mr. Elliot	0	5	0
John Young	0	2	6	T. Wade	0	2	0
Betts	0	5	0	A. J. Ashdown	0	5	0
Thomas Cook	0	1	0	John Doran	0	2	0
E. Brown	0	2	6	Brohen	0	5	0
Mrs. Wright	0	1	0	Klein	0	2	6
Hatch	0	0	6	A. Williams	0	10	0
Mr. S. Critchley	0	10	0	E. Lewis	0	2	6
Mrs. Critchley and daughter	0	5	0	John Pike	0	2	6
				J. Stein	0	2	6
Young	0	6	0				

Collected by J. Lackey, Esq., M.L.A., and W. H. Gibbins, Esq., J.P., at Sydney Road.

	£	s	d		£	s	d
Mr. John Lackey, M.L.A.	3	3	0	Mr. J. White	0	5	0
				J. Brooks	0	5	0
W. H. Gibbins, J.P.	2	2	0	R. Cater	0	5	0
				S. Gazzard	0	2	6
Marsden	0	5	0	W. Lord	0	2	6
Smith	0	5	0	W. Chandler	0	2	6
W. Stetson	0	5	0	W. Kemp	0	2	0
Rev. J. A. Manton	1	0	0	D. Heron	0	2	6
Mrs. Finnigan	0	5	0	J. Grindle	0	2	6
Mr. J. Cross	0	10	0	H. Monk	0	2	6
J. Niblett	0	10	0	W. Ellis	0	5	0

Subscription collected by Messrs. George Hunt and Thomas Fuller, at Dural and Castle Hill.

	£	s	d		£	s	d
Mr. J. Roughley	1	0	0	Mr. S. Baldwin	0	2	6
H. Thompkins	0	5	0	M. Heywood	0	5	0
John Tuckwell	0	5	0	John Jay	0	5	0
J. Greenwood	0	5	0	S. Warner	0	5	0
Mrs. Ann Stevens	0	2	6	Joseph Cosbert	0	3	0
Mr. Chas. Austin	0	5	0	Samuel Moore	0	2	6
Henry Black	1	2	0	G. Tuckwell	0	5	0
P. H. Matheson	0	5	0	James Waddell	0	2	6
J. O'Hara, jun.	2	0	0	J. Sansbury	0	10	0
W. Caldwell	0	2	6	Mrs. Mary Dale	0	5	0

	£	s	d		£	s	d
T. Williams, sen	1	0	0	Mr. G. Kennedy	0	5	0
Simon Moulds	1	0	0	James Blake	0	5	0
J. Newman	0	5	0	John Kirk	0	2	6
Thomas Fuller	1	0	0	S. Russell	0	10	6
G. T. Hunt	1	0	0	S. Cusbert	0	2	6
Owen Jones	0	10	0				

Collected by G. B. Suttor, Esq., J. P., and Mr. Squire, W. Pye, at Baulkham Hills and Castle Hill.

	£	s	d		£	s	d
Mr. J. Tamsett	1	0	0	Mr. George Black	0	2	6
J. Tamsett, junr.	1	0	0	John Williams	1	0	0
Solomon Nokes	0	10	0	Richard Gilbert	0	5	0
James Ling	0	10	0	J. Kelly	1	1	0
William Perkins	0	5	0	W. Fishburn, sen.	2	0	0
Mathew Smith	0	10	0	G. Kentwell, sen.	1	0	0
William Smith	0	10	0	Mrs. W. Pettit	0	5	0
Mrs. Acres	2	0	0	Mr. M. M'Carthy	0	5	0
A Friend	0	5	0	John Black	0	5	0
Mr. Simon Reddin	0	10	0	T. Williams	0	5	0
Samuel Schofield	1	0	0	John Pugson	0	5	0
Bryan Molloy	0	5	0	John Kentwell	0	5	0
A Friend	0	1	6	John Boland	0	10	0
Mr. James Egan	0	10	0	J. James, sen.	0	10	0
Mr. and Mrs. William Smith	2	0	0	G. B. Suttor, J.P.	1	0	0
W. Burt	2	2	0	Miss Suttor	0	10	0
T. G. Ireland	0	10	0	Mr. J. Schofield	0	10	0

Collected by Mr. Thomas Kennedy, surveyor, at his surveying camp, Fish River (per favour James Byrnes, Esq.)

	£	s	d		£	s	d
Mr. T. Kennedy	1	0	0	Mr. J. Cranney	0	5	0
James Storan	0	10	0	Henry Bardell	0	5	0
R. Delany	0	7	6	James Clarke	0	5	0

Collected by Mr. John Ashplant, surveyor, at his surveying camp, Mutton Falls, Fish River (per favour James Byrnes, Esq.)

	£	s	d		£	s	d
Mr. J. Ashplant	1	0	0	Mr. Luke Dunn	0	5	0
Mrs. Ashplant	0	10	0	John Dunn	0	5	0
Mr. John Jones	0	5	0	William Fyfe	0	5	0
C. Taggart	0	5	0				

Commercial Bank List.

	£	s	d		£	s	d
Topsy, per J.C.B.	0	5	0	Mr. Daniel Flin	1	0	0
Master Webb, per ditto	0	4	10	Mrs. Ellen Pye	2	0	0
				Louisa Ardagh	1	0	0
Davis, Bellman per ditto	0	1	0	Miss M'Dougall	1	0	0
Mr. E. Ore, per Mrs. Ashton	2	0	0	Mr. C. Obee, per Mr. Harvey	2	0	0
The Very Rev. Dean Sumner	5	0	0	Mr. Alderman Harvey	5	0	0
				J. Urquhart	1	1	0
Mr. John Dobson	1	1	0	L. J. Trollope	1	1	0

Collections at—

	£	s	d
St. John's Church, Parramatta, per Rev. R. L. King, B.A.	17	16	4
All Saints ditto, ditto, per Rev. G. Barlow, M.A.	8	6	3
St. Andrew's Scots ditto, ditto, per Rev. T. Craig	5	0	0
The Wesleyan Chapel, Macquarie-street, per Rev. C. W. Rigg	12	10	7

Collected by Thomas M'Arthur, Esq., Treasurer:—

	£	s	d		£	s	d
Railway Works.				D. Lupton	0	5	0
D. Trottey	0	10	0	A. Bradford	0	4	0
G. Michart	0	5	0	J. England	0	4	0
G. H. Delow	0	5	0	W. Jerks	0	3	0
H. Purton	0	3	0	C. Marty	0	2	6
D. Nerman	0	2	0	J. M'Farland	0	2	0
W. Bennett	0	2	0	J. Burr	0	2	6
W. M'Culloch	0	2	6	R. J. Bubb	0	2	0
W. Lloyd	0	2	0	E. Hickey	0	2	0
T. Lyddon	0	5	0	C. Bennett	0	2	0
W. Layton	0	2	6	D. Bradford	0	1	0
J. Milton	0	2	6	Mr. Half-a-one	0	5	0
W. Smith	0	2	6	W. Wilson	1	0	0
D. Prime	0	5	0	Steamer Eagle.			
C. Smith	0	2	6	W. Page	1	1	0
J. Hunter	0	2	6	W. Johnson	1	1	0
T. Hodgins	0	2	6	J. Wood	1	0	0
C. Pledge	0	5	0	J. Panchard	0	10	0
A. Hayneswright	0	2	0	A. Small	0	10	0
J. Davison	0	2	6	W. Hunter	0	10	0
E. Fean	0	2	6	J. Newbigan	0	5	0
G. White	0	2	6	W. Bitchery	0	5	0
W. Bates	0	2	6	H. Chiverton	0	2	6
J. Stirling	0	2	6	Steamer Alexandra.			
G. Glover	0	2	6	J. Blackwood	1	0	0
J. Palmer	0	2	6	R. Harvey	0	10	0
W. Masters	0	2	6	J. Barily	0	7	6
J. Hellis	0	2	6	A. Simpson	0	5	0
C. Fleming	0	2	6	H. Blair	0	5	0
J. Castle	0	2	6	D. Peters	0	5	0
T. Burling	0	2	6	J. Bowie	0	5	0
C. Heness	0	2	0	P. Morn	0	5	0
G. Thompson	0	2	6	W. Morris	0	5	0
R. Waddups	0	2	6	W. Farral	0	5	0
W. M'Intosh	0	2	6	H. M'Fyddon	0	3	0
J. Lee	0	2	6	R. Miller	0	5	0
J. Hyslop	0	5	0	A. M'Nab	0	5	0
P. Minahan	0	5	0	J. M'Lachlan	0	5	0
G. Ford	0	2	6	Steamer Clarence.			
J. Chesham	0	2	6	A. Brown	1	0	0
H. Glover	0	2	6	J. Dunlop	0	10	6
J. Woodford	0	2	6	S. Braidwood	0	2	6
Rogers' Newcastle Foundry:—				W. Dobbings	0	5	0
				A. Morris	0	5	0
A. Rodgers	2	0	0	Elridge	0	10	0
W. Millar	0	2	2	J. Bean	0	2	6
Simpson	0	2	0	D. Cameron	0	2	6
Wyld	0	2	0	N. Sibeon	0	2	6
Murdoch	0	1	0	Steamer Samson.			
A. Rodgers	0	2	0	C. Laing	1	0	0
Blackie	0	2	6	J. Elder	0	10	0
Sneesby	0	2	6	J. Lincoln	0	10	0
Donald	0	2	6	J. Cain	0	5	0
Pilkington	0	2	6	P. Caul	0	2	6
Agnew	0	2	6	C. M'Donald	0	5	0
Russell	0	2	6	A. Kennedy	0	2	6
				Steamer City of Melbourne.			
W. N. Davidson	2	2	0	P. Hunter	1	0	0
J. Murphy, blacksmith	1	0	0	M. Lewson	0	10	0
				F. Baughby	0	5	0
Mr. A. Gray, Lighthouse Hotel	1	5	0	Steamer James Paterson.			
				J. Morrison	1	0	0
				G. Davidson	0	10	6
Collected by Mr. Penny.				W. Christy	0	2	6
W. Penny	1	0	0	D. Rankin	0	2	6
J. Douglas	0	5	0	S. Fairley	0	2	6
G. Buddiven	0	1	0	J. Anderson	0	2	6
G. Law	0	1	0	D. Brown	0	5	0
J. Stringer	0	2	6	D. Robinson	0	2	6
G. Mealy	0	1	0	C. Christie	0	2	6
S. Downs	0	1	0	P. Guest	1	0	0
J. Carey	0	1	0	Mr. Hutchinson	0	5	0
M. Conner	0	1	0	Messrs. Healy and M'Kenzie.			
Collected by Messrs. Bubb and Son.				Daniel Healy	2	0	0
Bubb and Son	3	3	0	G. B. M'Kenzie	1	0	0
J. Pope	0	10	0	John Mitchell	0	5	0
W. Maher	0	10	0	W. West	0	5	0
J. J. Bubb	0	5	0	John Cameron	0	5	0
J. Fenton	0	5	0	Mr. Banks	0	5	0
G. Riley	0	5	0	W. Price	0	2	6
				Mr. Carey	0	2	6

W. R. PIDDINGTON, JOHN CALDWELL, J. V. GORMAN, } Treasurers.

W. HANSON, hon. secretary.

PIANOFORTES.—CAUTION.—The public are cautioned against buying instruments bearing the name of "Allison and Allison," as that firm has not been in existence since the year 1848. The only firm having a right to that name is RALPH ALLISON and SONS, 108, Wardour-street, London. Designs and price lists free upon application.

(Signed) RALPH ALLISON and SONS.

CLOSE OF THE SEASON! CLOSE OF THE SEASON! CLOSE OF THE SEASON

FRANCIS GILES and COMPANY take this opportunity of thanking their numerous customers for the liberal support they have received during their late EIGHTH SEMI-ANNUAL CLEARING SALE, and to inform them that, in consequence of the very mild winter, they have still a very large assortment of WINTER GOODS on hand, which they are determined to CLEAR OUT prior to the opening of their SPRING GOODS, now shortly expected in the Royal Albert; and in order to do so, have made still further reductions in the following departments:—

Cloth, Silk, and Velvet Mantles
Fancy Silks, Plushes, &c.
Shawls, and Opera Cloaks
Children's Mantles one quarter their value
Winter Dresses and Tweeds
French Merinos in every shade, 2s. 4½d.
Winter Gloves and Hosiery
Lace and Fancy Collars, Sets, and Sleeves, at enormously reduced prices
Millinery, Flowers, &c.

We invite especial attention to the LADIES' UNDERCLOTHING DEPARTMENT, where we are showing some very RICH GOODS at the same prices as sold in 1861, long before the advance in the price of cotton.

All CALICOES, SHEETINGS, &c., BLANKETS, and QUILTS will be continued to be sold at the same reduced prices as during the SEMI-ANNUAL SALE.

DENISON HOUSE, 376, 378, and 380, George-street.

GREAT SALE.—£20,000 WORTH OF GOODS, at T. WETHERILL'S, Lincolnshire House, George-street.

French merinos, best, widest, and finest quality, 1s 11d
French delaines, the best quality made, 12½d
French silks, 1s 11d; best and finest made, 2s 11d
Checked tweeds, 4½d; striped and checked lamas, 6½d
Plain and fancy mohairs, 3½d, worth 9d
Prints, 6½d; checked ginghams, 6½d, worth 1s
Slate, black, brown, drab glazed linings, 3½d
Hollands, 6½d; chintzes, 4½d; counterpanes 3s 6d
Silk terry velvets, 1s 11d, reduced from 3s 11d
Silk mixed alpacas, 6½d, worth 1s
Crimean flannels, 12½d; scarlet flannels, 1s 11d.
Holland mantles, all sizes, 1s, worth 4s 6d
Crinoline bonnets, 1s 11d; new hats, 1s, worth 3s 6d
Boys' trimmed hats, 1s 11d; ladies' black trimmed hats, 4s 6d
Boys' silk girdles, 6d; bugle trimmings, 3½d, worth 1s
Bargains in buttons, gimps, and braids. Velvet ribbons.

The above goods are bought for cash, and sold only for cash in small or large quantities.

307, George-street. Wholesale Stores, Wynyard-lane.

NORTH BRITISH GOLOSHES.—To BOOT and SHOE DEALERS.—Now landing, ex Maid of Judah, 30 cases ladies', men's, and children's North British Goloshes. M. A. WORMS and CO., 21, Wynyard-lane.

ONE EIGHT-HORSE PORTABLE ENGINE, price £260 (Tennant, Glasgow). S. HEBBLEWHITE, 292, Pitt-street.

UMBRELLAS.
Ladies' alpaca, reduced to 3s 11d
Ditto silk ditto, ditto 8s
Ditto large size ditto, ditto 11s 6d
Ditto extra quality, ditto 12s 6d
Gentlemen's alpaca, ditto 5s 6d
Ditto super, real sticks, ditto, 6s 9d
Ditto silk, ditto 10s 6d
Ditto large size, ditto 11s 6d
Ditto very best, pimento sticks, ditto 16s 6d.
At the CLEARING SALE, CAVENDISH HOUSE, NEXT THE COMMERCIAL BANK.

HAYMARKET HOUSE, 611, George-street.—The undersigned, having taken the above old-established premises, invites the attention of families and settlers to his large and well-selected Stock of Groceries and Oil Stores, purchased expressly for the family trade, which he is prepared to sell at prices that must insure extensive patronage.

R. S. TIGHE.

R. S. TIGHE, Haymarket House, is selling the finest black or mixed Tea imported, at 2s 6d per lb.

R. S. TIGHE, 611, George-street, is selling strong well-flavoured black and mixed Tea, 1s 6d and 2s per lb.

R. S. TIGHE, Haymarket House, for Coffees of unrivalled quality, at prices to defy competition.

R. S. TIGHE, 611, George-street, is SELLING—Splendid white crystal sugar at 4½d per lb. Rich brown Mauritius ditto at 4d. Good yellow ditto ditto at 3½d.

A trial will ensure continued patronage.

HARPER TWELVETREES' GLYCERINE SOAP POWDER.—Dr. Friedrich Olshausen, Professor of Chemistry, Hamburg, certifies that its "efficiency and harmlessness are owing to the purity of ingredients used in its preparation. One of its greatest recommendations is that it is SOAP in a very pure and concentrated form." "A month's clothes for a family of eight were washed in six hours."—G. Gough, Esq., Calne, Wilts. Patentee: Harper Twelvetrees, Bromley-by-Bow, London.

Wholesale agents for New South Wales, Messrs. E. and W. PAUL, merchants, 89, York-street, Sydney.

WILCOX and GIBBS' Family and Manufacturing SEWING MACHINE.—It forms a flat, even, and elastic seam, which is warranted not to rip in wear, if properly sewed, when every third stitch is cut.

A Patented Device, recently applied, prevents the possibility of the machine being run in the wrong direction, or the balance-wheel wearing a lady's dress.

Two thousand stitches, or two yards of work, can be done in one minute without dropping a stitch.

These machines, so simple and accurate in their construction, supersede the use of the shuttle; and with one thread produce all the practical results of two-thread machines; and more, for these fell without basting, and hem the finest muslin without puckering.

It has been extensively sold in this colony during the last two years, and most satisfactory testimonials can be given as to the efficiency of its working; it is clearly proved that although half the price of other first-class machines it will accomplish double the sewing in a given time. It is so simple that the most inexperienced, by attention to the printed directions, can become most expert in the use of it.

PRICE £10.

SAMUEL HEBBLEWHITE, 292, Pitt-street, corner of Park-street.

ADELAIDE FLOUR and WHEAT.—
Beeby and Dunstan's superfine silk-dressed flour
Crown mills' ditto ditto ditto
Beeby and Dunstan's household ditto
Dunn and Sons' superfine silk-dressed ditto
Hart's ditto ditto ditto
Milling wheat
Seed ditto.
BEILBY and SCOTT.

AMERICAN Cooking Stoves.—F. B. ROBINSON still clearing out, at reduced prices. 486, George-st.

MATCHES.—Martindale's superior, on Sale. LORIMER, MARWOOD, and ROME, 141, Pitt-street.

CHILIAN WALNUTS.—A first-rate sample of the new crop in bags, ex Glencaple, for SALE by GILCHRIST, WATT, and CO.

TOBACCO SEED, Virginian, Havana, and Maryland, finest imported.

LUCERNE, CLOVER, and RYEGRASS, choice samples; Mangel Wurtzel, Rye, and Tares.

POTATOES, Ashleaf and Cambridge Kidney. LAW, SOMNER, and CO., seedsmen, 260, Pitt-street.

POTATOES.—Best Broulee Seed Potatoes now landing on SALE. W. SHORT'S Store, Victoria Wharf.

POTATOES.—The best Broulee SEED, now landing. L. MORAN'S Store, Victoria Wharf.

FINE FLOUR, silk-dressed, 24s; seconds, 22s, bags included. Maize meal, 10s. per 100 lbs.; cracked maize, by measure, 3s. 8d. per bushel. JAMES PEMELL, Brisbane Steam Mills, Parramatta-street, Sydney.

ON SALE, Adelaide HAY, large and small bales; Tanks, &c. W. R. HILL, Grafton Wharf.

POTTED MEATS and Fish, in ½-lb. tins; finnan haddocks, kippered and fresh herrings, herrings, Sardines, herrings in vinegar, stewed eels, cod, mackerel, salmon, lobsters, oysters, bloaters, &c. H. S. BIRD, Circular Quay.

JAMES BARNGEY'S PRIZE PORTER. Bottling Establishment, 48, New Pitt-street.

BLASTING POWDER, Patent fuse, for SALE by A. BROWN, Spring-street.

FOR SALE, Coir Warps, 4, 5, and 6 inch; Coir Fibre. GILFILLAN and CO., Macquarie-place.

EMPTY HOGSHEADS, of all descriptions, supplied on the shortest notice. W. GRISDALE, Gloucester-street.

COALS, BREEZE, FIREWOOD, and CHARCOAL. T. B. DEARIN, Pacific Wharf, Druitt-street.

COAL and CUT FIREWOOD. W. JOLLY and CO., Darling Harbour Steam Saw Mills, Bathurst-street.

600,000 FEET HARDWOOD, Deals, Pine, Cedar, Kauri Shingles, T. and G. Pine and Hardwood Boards, seasoned; Blue Gum Felloes, Ironbark Posts, Rails, Palings, Spokes, Dray Shafts, Poles, &c.

WILLIAM JOLLY and CO., Darling Harbour Steam Saw Mills, Bathurst-street. Branch Yard, Railway Station.

400,000 FEET Baltic Flooring, Oregon, and clear pine. ROLFE, Circular Quay.

500,000 FEET Colonial Hardwood, Cedar, shingles. ROLFE, Circular Quay.

TO BREEDERS OF HORSE STOCK.—American Mustang.—For SALE, a Mustang Entire PONY, just imported from California. These animals are renowned for their great powers of endurance, and crossed with other breeds would doubtless produce superior stock. Now on view at Martyn's Horse Bazaar.

HORSES carefully BROKEN to saddle and harness. GEORGE KISS, Bourke-street, Surry Hills.

FOR SALE, a COTTAGE with garden, near the Ale Inn, Newtown. JOHN BRADY, 576, George-street.

PUBLIC-HOUSE, &c.—To be SOLD, the premises on the Botany Road, known as the Water's Retreat, for some years in the occupation of Mr. Thomas Rostron, with the gardens and ground attached. Apply for particulars to Mr. ROSTRON, on the premises; or to COOPER, NATHAN, and CO., Sussex-st., Haymarket.

SALES BY AUCTION.

Horse Sale.

THIS DAY.

BURT and CO. will sell by auction, at the Bazaar, Pitt and Castlereagh streets, THIS DAY, Friday, August 12th, at 11 o'clock,
Draught horses
Light harness ditto
Saddle and side-saddle ditto
Well bred bull
2 heifers. Also,
Drays, spring-carts, &c.
And at 2 o'clock, at the Camperdown Yards,
50 colts, bred by Hon. R. Fitzgerald.

Fitzgerald's Horses.

50 Head, at the Camperdown Yards.

THIS DAY, Friday, the 12th instant.

BURT and CO. are instructed by the Hon. Robert Fitzgerald to sell by auction, at the above Yards, THIS DAY, Friday, at 2 o'clock,
50 young horses, just arrived from the station.
Without reserve.

Young Bull
2 Cows.

BURT and CO. are instructed to sell by auction, at their Bazaar, THIS DAY, Friday, at 11 o'clock,
A well-bred bull, 18 months old
2 heifers.
The produce of imported stock.

TO BE SOLD at WOOLLER'S, Pitt-street, by auction, THIS DAY, at 11 o'clock, Horses and carts, buggies, waggons, spring-carts, &c.
N.B.—No charge for entering horses, &c., for sale.
Proceeds paid immediately after the sale.

PITT and SULLIVAN have received instructions from Mr. C. Esther to sell by auction, on MONDAY next, 15th instant, at Mr. Fullagar's, at 11 o'clock,
156 head of prime fat cattle, in lots.

PITT and SULLIVAN have received instructions from John Hoskisson, Esq., to sell by auction, on MONDAY next, 15th instant, at Mr. Fullagar's, at 11 o'clock,
150 head of prime fat cattle, in lots.

PITT and SULLIVAN have received instructions from Sloper Cox, Esq., to sell by auction, on MONDAY next, 15th instant, at Mr. John Fullagar's, at 11 o'clock,
150 head of prime fat cattle, in lots.

PITT and SULLIVAN have received instructions from W. Durham, Esq., to sell by auction, on MONDAY next, 15th instant, at Mr. John Fullagar's, at 11 o'clock,
58 head of prime fat cattle, in lots.

PITT and SULLIVAN have received instructions from John A. Gardiner, Esq., to sell by auction, on MONDAY next, 15th instant, at 11 o'clock,
230 head of prime fat cattle, in lots.

PITT and SULLIVAN have received instructions from E. B. Cornish, Esq., to sell by auction, on MONDAY next, 15th instant, at Mr. John Fullagar's, at 11 o'clock,
1500 prime fat sheep, wethers, in lots.

Weekly Produce Sale.

MORT and CO. will sell by public auction, at their Produce Stores, Circular Quay, THIS DAY, Friday, 12th August, at a quarter to eleven o'clock,
50 casks tallow
467 hides
Prime beef, and prime salt beef.
Terms, cash.

NEW SOUTH WALES COPPER.

Second Sale of
THE PRODUCE OF THE CADIANGULLONG MINE.

Terms at Sale.

MORT and CO. have been instructed by the Directors of the Cadiangullong Consolidated Copper Mining Company to sell by public auction, at the Rooms, Pitt-street, at half-past 12 o'clock THIS DAY, 12th August,
1180 INGOTS and 114 PLATES of pure copper, the produce of, and smelted at
THE CADIANGULLONG MINES.

MORT and CO. have much pleasure in drawing especial attention to this
SECOND PUBLIC SALE OF NEW SOUTH WALES COPPER.
COPPER on view at the Rooms.

Postponed to MONDAY, 15th August, in consequence of non-arrival of Cattle.
Butchers. Butchers.

86 HEAD PRIME FAT CATTLE,
In lots to suit purchasers.
Terms at sale.

MORT and CO. have received instructions from R. JONES, Esq., to sell by public auction, at the VICTORIA SALE YARDS, PETERSHAM, at 2 30 p.m. on MONDAY, 15th August,
86 Head PRIME FAT CATTLE,
In lots to suit purchasers.

Weekly Produce Sale.

Tallow, Hides, &c.

O. B. EBSWORTH will sell by public auction, at his Stores, Circular Quay, THIS DAY, 12th August, at quarter before 11 o'clock precisely,
32 Casks tallow
199 Hides, &c.
Terms, cash.

Hay, Straw, Corn, Chaff, &c.

W. G. HENFREY will sell by auction, at the Railway Station, at 10 o'clock, THIS DAY,
Unpressed hay, &c.

MR. W. H. MACKENZIE and CO. will sell by auction, at the Railway Terminus, at 10 a.m., THIS DAY,
Hay, straw, &c.
Terms, cash.

Hay, Straw, and Chaff.

F. P. MEARES (successor to Thomas Dawson) will sell by auction, at the Railway Terminus, at 10 o'clock, THIS DAY,
Lucerne and oaten hay, straw, and chaff, by the truck load.
Terms, cash.

Railway Auction Produce Depot.

F. P. MEARES (successor to Thomas Dawson) will sell by auction, at 11 o'clock, THIS DAY,
Butter, eggs, cheese, lard, poultry, pork, bacon, oranges, lemons, &c., &c.
Terms, cash.

Butter. Butter. Butter.

F. P. MEARES (successor to Thomas Dawson) has received instructions from Henry Thompson, Esq., of Camden, to sell by auction, at the Depot, at 11 o'clock, THIS DAY,
About 35 cwt. of very superior butter.
Terms, cash.

Hay. Hay. Hay.

JOSEPH WALLIS will sell by auction, at the Railway Terminus, THIS DAY, Friday, August 12th,
Hay, straw, &c.
Terms, cash.

City Depot, rear of Picton Arms, Haymarket.

JOSEPH WALLIS will sell by auction, THIS DAY, Friday, August 12th, at 12 o'clock,
Poultry, eggs, butter, cheese, and other farm produce.
Terms, cash.

Produce Sale.

JAMES GRAHAM will sell by auction, at his Produce Stores, Circular Quay, THIS DAY, Friday, at half-past 11 o'clock,
Casks tallow
Hides, hair, oil, &c.

Weekly Produce Sale.

DURHAM and IRWIN will sell by auction, at their Produce Stores, Circular Quay, THIS DAY, Friday, 12th August, at 12 o'clock,
150 casks tallow
800 hides
Horns, shankbones, &c.
Terms, cash.

Weekly Produce Sale.

Hides, Horns, and Pickled Tongues.

FRIDAY, at 10 o'clock prompt.

H. R. REID will sell by public auction, at his Produce Stores, Clarence-street, Wynyard-square, THIS DAY, 12th August, at 10 o'clock prompt,
550 hides, all boilers and butchers
7 casks superior pickled tongues
Lot horns, &c.
Terms, cash.

Auction Sale.

THIS MORNING.

ALEXANDER MOORE and CO. will sell by auction, at the Mart, Labour Bazaar, Pitt-street, THIS DAY, at 11 o'clock,
A quantity of fancy goods
Watches, jewellery
Clothing, firearms, workboxes, &c.
Terms, cash.

Household Furniture.

9, Hill's-terrace, Riley-street, Woolloomooloo.

MR. H. D. COCKBURN has been instructed to sell by auction, THIS DAY, at 12 o'clock, on the premises, 9, Hill's-terrace, Riley-street, Woolloomooloo,
Household furniture, &c.
Terms, cash. No reserve.

Under Bill of Sale.

At the New Auction Rooms, 143, Pitt-street, opposite the Union Bank.

SATURDAY, 13th August, at 11 o'clock.

Cottage Piano, Grand Piano, Drawing-room Suite; Loo, Dining, Dressing, and Kitchen Tables; Sideboards, rosewood, marble top; Chiffoniers, glass back; Office Tables; Brussels Carpet, 18 x 21; Bookcase; Horse-hair Sofas, Couches, and Chairs; Chests of Drawers, Washstands, Bedsteads and Bedding, Pier and Toilet Glasses, Cooking Stoves; China, Crockery, Glass, Platedware; two Side-saddles; Double-barrel Gun, in case; Gold Lever Watch and Chain, &c.; and Pictures, &c.

MR. H. D. COCKBURN has been instructed to sell by auction, on SATURDAY, 13th, at 11 o'clock, at his Rooms, 143, Pitt-street,
The above.
Terms, cash. No reserve.

Preliminary Notice.

To Ironmongers, Country Storekeepers, Hawkers, General Dealers, and others.

Extensive Sale of £6750 of Ironmongery, &c.

Ironmongery, Brassware, Hollowware, Tinware, Brushware, Platedware, Crockeryware, Cutlery, Tools of every description, Rope, Chaffcutters, Sausage Machines, Scales and Weights, Fenders and Irons, Sad Irons, Tubs, Zinc, Nails, and a numerous quantity of goods appertaining to a large Ironmongery Business.

MR. H. D. COCKBURN has been instructed by Mr. Allerton to sell by auction, on the premises, 586, George-street, Brickfield-hill, near Bathurst-street, on an early day,
The most extensive, well-selected, and varied stock of ironmongery ever offered to public competition.
Terms at sale.—No reserve.

N.B.—Full particulars in a future issue, and catalogues will be ready in a few days.

Under Distraint for Rent.

To Dealers, and others furnishing.

H. VAUGHAN and SON have received instructions to sell by auction, THIS DAY, 12th instant, at 11 o'clock, at 141, King-street East,
Household furniture and effects.

PUBLIC NOTICE.—Highly Important Sale of Household Furniture, beautiful porcelain ornaments, Collard and Collard pianoforte, elegant chandeliers, cut glass, china, electroplate, pier glasses, carpets, bedroom furniture, &c., THIS DAY, at the Residence of Mr. Edward Levi, No. 303, George-street, at 11 o'clock.
BRADLEY and NEWTON, auctioneers,
Old Bank of Australasia.
Catalogues may be obtained on application.

On FRIDAY, August 12th, at 11 o'clock.

At the Residence of Mr. Edward A. Levy, 303, George-street.

To Gentlemen Furnishing and others.

Highly Important Sale of Magnificent Household Furniture, manufactured expressly to order, by Levien (upholsterer to her Majesty the Queen), expressly to order.

Brilliant-toned Pianoforte, by Collard and Collard
Richly Cut Glass, Handsome Pier Glasses, Elegant Chandeliers
Mahogany Wardrobe, with plate glass doors
Electro-plate, Dresden China Ornaments, &c., &c., &c.

MESSRS. BRADLEY and NEWTON have been favoured with instructions from Mr. Edward A. Levy to sell by auction, at his residence, THIS DAY, August 12th, at 11 o'clock,
The whole of his magnificent household furniture and effects.

Viz.:—

A superb drawing-room suite in solid rosewood, covered in crimson satin, consisting of 12 chairs handsomely carved, 2 easy chairs, and two spring-seated couches
Elegant marqueterie inlaid rosewood loo table
Two massive solid rosewood chiffonieres elaborately carved, plate glass back doors
First-class pianoforte by Collard and Collard, with certificate
Magnificent pier, girandole, and console glasses
Most beautiful china and porcelain ornaments and vases
Real Dresden and Sevres china ornaments
Handsome carved gilt cornices with real china crimson silk curtains
A very elegant clock, under shade, with small ormolu gilt bird cage on the top containing stuffed humming birds, which fly from branch to branch singing sweetly. (A most ingenious piece of mechanism, and a beautiful ornament)
Superb 15-light gaselier with elegantly designed maroon and gold vases and mounts
Polished steel fenders and irons
Brussels and velvet pile carpets and hearth rugs
Tubular iron and brass bedsteads
Wardrobes, chests drawers
Marble slab washstands and dressing tables
Massive Spanish mahogany state bedstead handsomely carved
Richly cut glass, elegant china, electroplate
Hair-seated chairs and couches
Dining table with spare leaves
Kitchen utensils and sundries.
Terms, cash.

Catalogues may be obtained at the rooms of the Auctioneer.

On SATURDAY, August 13th, at 11 o'clock.

At the Old Bank of Australasia.

Large and varied assortment of good useful Second-hand Furniture, Cooking Stoves, Kitchen Utensils, Crockery, &c.
☞ Valuable Books, Revolvers, Guns, &c.

Removed from Marrickville for the convenience of Sale.

MESSRS. BRADLEY and NEWTON have received instructions to sell by auction, at their Rooms, 239, George-street, on SATURDAY, August 13th, at 11 o'clock,
Household furniture and effects.
Terms, cash.

Preliminary Notice.

At No. 15, Wynyard-square, on WEDNESDAY, August 17th, at 11 o'clock.

To Gentlemen Furnishing, Furniture Dealers, and others.
Highly Important Sale by Auction of
Elegant and substantial Household Furniture and Effects, Handsome Glass Chandeliers and Lustres, Pier Glasses, Ornaments, Richly Cut Glass, Plated Ware, Oil Paintings, &c., &c., &c.

☞ Full particulars of which will be published.

MESSRS. BRADLEY and NEWTON have been favoured with instructions from Jacob Lazarus, Esq., to sell by auction, at his residence, Wynyard-square, WEDNESDAY, August 17th, at 11 o'clock,
The whole of his valuable household furniture and effects prior to his departure for Europe.
Terms, cash.
Catalogues will be speedily issued.

At Robertson's Carriage Factory, Pitt-street South.

On TUESDAY, August 30th, at 11 o'clock.

To Country Buyers, Shippers, Storekeepers, and others.

Highly Important Unreserved Sale by Auction of
Carriages, of every description
American Buggies
Barouches
Dogcarts
Waggonettes
Express Waggons
Park Phaetons
Spring-carts
Bakers' and Butchers' Carts
Omnibuses
Second-hand Vehicles, and
A quantity of Coach-makers' Materials.

☞ Clearing-out Sale, in consequence of extensive alterations and additions in the premises and machinery.

MESSRS. BRADLEY and NEWTON have been favoured with instructions from Mr. John Robertson to sell by auction, at the Factory, Pitt-street South, on TUESDAY, August 30th, at 11 o'clock,
His entire stock of carriages, American buggies and waggons, spring-carts, grocers and bakers' carts, phaetons, hansom cabs, omnibuses, waggonettes, dogcarts, coach-makers' materials, &c., &c.
Terms, cash.
Full particulars of the above will be published and catalogues issued.

50 Packages of Boots and Shoes.

To Boot and Shoe Buyers and others.

JOHN G. COHEN will sell, at the Bank Auction Rooms, THIS DAY, 12th August, 1864, at 11 o'clock precisely,
50 packages of boots and shoes.
Terms at sale.

THIS DAY, Friday, 12th August, 1864.

Maguire's American Mining Boots
Maguire's American Mining Boots.

To Boot and Shoe Buyers
To Country Storekeepers
To Shippers, and others.

JOHN G. COHEN will sell, at the Bank Auction Rooms, THIS DAY, Friday, 12th August, 1864, at 11 o'clock precisely,
20 cases Maguire's American mining boots, comprising
Grain and kip fremonts
Grain bungarians
Ditto muggets, gilt tops, &c., &c.
Terms at sale.

Full and Half Register Stoves.

To Builders
To Contractors
To Ironmongers
And others.

JOHN G. COHEN will sell at the Bank Auction Rooms, on MONDAY, 15th August, 1864, at 11 o'clock precisely,
20 full register stoves
20 half ditto ditto.
Terms at sale.

MONDAY, 15th August, 1864.

Assorted Tinware
Portable Washing Stoves.

To Ironmongers
To Tinmen
And others.

JOHN G. COHEN will sell at the Bank Auction Rooms, on MONDAY, 15th August, 1864, at 11 o'clock precisely,
5 packages of assorted tinware, viz.:—
Camp kettles, oval baking dishes
Camp oven dishes, tea and coffee pots
Cullenders, oval dishes, pint pots
Bush pots, oil bottles, funnels; also,
Portable washing stoves.
Terms at sale.

MONDAY, 15th August, 1864.

I C Tin Plates
Boiled and Raw Linseed Oil.

To Merchants,
To Ironmongers,
To Oilmen, and others.

JOHN G. COHEN will sell, at the Bank Auction Rooms, on MONDAY, 15th August, 1864, at 11 o'clock precisely,
100 boxes IC charcoal tin plates
50 drums boiled and raw linseed oil (Blundell and Spence).
Terms at sale.

FRIDAY, 12th August.

To Perfumers
To Fancy Dealers and others.

Perfumery, &c.
From the celebrated House of Morgan, Brothers.

HENRY CHATTO and CO. have received instructions to sell by auction, at their Rooms, THIS DAY, 12th instant, at 11 o'clock,
An invoice of assorted perfumery, &c., comprising
Assorted perfumes, vinaigrettes, Preston salts
Hedyosmia, hair cleaners, cosmetiques
Face and violet powders, tooth enamel
Shaving soap and sticks, salts of lemon
Pastile burners, diamond cement
Benzine and metal paste, court plaster
Gold-beater's skin, tooth brushes
Marking inks, night lights
Flesh gloves and pads, assorted soaps, &c.
Terms at sale.

FRIDAY, 12th August.

To Fancy Dealers
To Bazaar Proprietors, and others.

Fancy Leather Goods
Photographs, Slides
Jewellery.

HENRY CHATTO and CO. have received instructions from the importers to sell by auction, at their Rooms, THIS DAY, 12th instant, at 11 o'clock,
Invoices of the above goods, just landed, comprising
Fancy leather cigar cases and fusee boxes
Fancy leather portemonnaies, with and without instruments
Fancy leather card cases and penwipers
Fancy leather ladies' companions and cases
Fancy leather tea caddies and watch stands
Garniture brooches and earrings
Photographs and slides of the international exhibition of 1862
Honeycomb sponges
Chamois skins, &c., &c.
Terms at sale.

FRIDAY, 12th August.

To Fancy Dealers and others.

Parian Ware.

HENRY CHATTO and CO. have received instructions from the importers to sell by auction, at their Rooms, THIS DAY, 12th instant, at 11 o'clock,
An invoice of Parian ware, comprising
Egg cups, goblets
Cups and saucers, tea pots
Milk pots, sugar basins
Salt cellars, match boxes
Washing stands, ash cups
Candlesticks, rocking figures
Buckets, flower cases, and jugs
Vases, tobacco boxes, &c.
Terms at sale.

On an Early Day Next Week.

To Booksellers
To Librarians and others.

☞ Preliminary Notice.

BOOKS.

HENRY CHATTO and CO. have received instructions from the importers to sell by auction, at their Rooms, on an early day, as soon as the goods are landed,
10,000 volumes of book, beautifully bound and illustrated
Now landing ex Naomi and Spray of the Ocean.
Particulars in future issue.

Groceries, Oilmen's Stores.
Teas, Sugars, Rice, Provisions, &c.

Important and extensive Sale by Auction.

TUESDAY, 16th August.

MR. W. DEAN has received instructions to sell by auction, at his Warehouse, Pitt and O'Connell streets, on TUESDAY, 16th August, at 11 o'clock,
Invoices of oilmen's stores and groceries, large parcels of sugars, teas, &c.
Terms at sale.

Preliminary Announcement.

Highly Important and Attractive Sale of New and Seasonable
DRAPERY, SLOPS, &c.,
In original packages,
Ex Maid of Judah.

WEDNESDAY, 17th August.

To Warehousemen, Drapers, and Country Buyers.

MR. W. DEAN has been favoured with instructions from the importers, to sell by auction, at his Warehouse, Pitt and O'Connell streets, WEDNESDAY, 17th August, at 11 o'clock,
Invoices of new and seasonable drapery, slops, &c., just arrived ex Maid of Judah, all of which will be sold in original packages.
Terms, liberal, at sale.

Stock of a Retail Draper.

For Unreserved Sale.

THIS DAY, 12th,
At 11 o'clock.

MESSRS. CHAS. MOORE and CO. have received instructions to sell by auction, at their Rooms, Pitt-street, on the above day,
The stock-in-trade of a deceased Draper, consisting of
Blankets, tarpaulins
Callicoes, flannels
Fancy goods, &c., &c.
Terms at sale.

Seasonable Drapery, Clothing, &c., &c.
Just landed ex Spray of the Ocean and Jason.

THIS DAY, 12th,
At 11 o'clock.

MESSRS. CHAS. MOORE and CO. have received instructions to sell by auction, at their Rooms, Pitt-street, on the above day,
Consignments seasonable drapery, clothing, &c., &c.
Terms, liberal.

Worked Muslins
Clarke's 200 yards Reel Cotton
Imperial Tapes
Ditto, in fancy boxes.

THIS DAY, at 12 o'clock.

MESSRS. CHAS. MOORE and CO. have received instructions to sell by auction, THIS DAY, at their Rooms, Pitt-street,
5 cases of the above.
Terms at sale.

Boots and Shoes.

J. Joseph and Sons.
Jackson and Sons.
Davies and Sons.
Hossen and Co.
Bostock and Co.
Just landed ex Maid of Judah.

TUESDAY, 16th, at 11 o'clock.

MESSRS. CHAS. MOORE and CO. have received instructions to sell by auction, at their Rooms, Pitt-street, on TUESDAY, 16th,
150 packages boots and shoes, just landed, from the above well-known makers.
Terms, liberal.

1lb. Salmon
7 Cases.

On account of whom it may concern.

To Grocers.
To Storekeepers, and others.

FOTHERINGHAM and MULLEN will sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, Friday, the 12th instant, at 11 o'clock prompt,
7 cases Burns, Morgan, and Co.'s 1lb. salmon, each 100 tins.
Terms, cash.

Salt's Ale.
18 Casks.

On account of whom it may concern.
Damaged.

FOTHERINGHAM and MULLEN will sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, Friday, the 12th instant, at 11 o'clock prompt,
18 casks Salt's ale, in 3 dozen lots.
Terms, cash.

Bulk Ale
Palm Oil.

On account of whom it may concern.
Ex Merrie Monarch.

FOTHERINGHAM and MULLEN will sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, the 12th instant, at 11 o'clock prompt,
14 hogsheads Bass' ale
1 cask palm oil.
Terms, cash.

Allsopp's Bottled Ale,
Pints and Quarts.
100 Casks.

On account of whom it may concern.

Ex Royal Alice, ———, master, from London.
Damaged by sea water.

To Wine and Spirit Merchants.
To Publicans and others.

FOTHERINGHAM and MULLEN will sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, the 12th instant, at 11 o'clock prompt,
100 casks Allsopp's bottled ale, each 4 and 8 dozen, quarts and pints, bottled by Friend.
Terms, cash.

Preliminary Notice.

Groceries
Oilmen's Stores
Congou Tea
Gunpowder ditto
Young Hyson
Hysonskin
Mauritius Sugars
Hams
Bacon
Cheese
Fruits, &c., &c., &c.

To Grocers
To Storekeepers
To Country Buyers, and others.

FOTHERINGHAM and MULLEN have received instructions to sell by auction, at their New Exchange Auction Rooms, 273, George-street, THIS DAY, the 12th instant, at 11 o'clock prompt,
Several parcels of the above.
Full particulars in to-morrow's issue.

Groceries
Oilmen's Stores
Oatmeal, &c.

To Grocers
To Storekeepers
To Country Buyers, and others.

FOTHERINGHAM and MULLEN have received instructions to sell by auction, at their New Exchange Auction Rooms, 273, George-street, THIS DAY (Friday), the 12th instant, at 11 o'clock prompt,
30 casks prime oatmeal, each 224 lbs.
5 cases Brown and Polson's corn flour
15 ditto half-pint oil, each 6 dozen
15 ditto Batty's 1 lb. jars jams, each 3 dozen
25 ditto ditto pint pickles, each 3 dozen
100 boxes Cape raisins
50 kegs carbonate soda
50 boxes Eleme raisins
2 cases sultana raisins
10 cases assorted fancy biscuits
12 pockets Kent hops, &c.
Terms at sale.

Hill and Co.'s Oilstores,
164 Cases.

New Goods, just landed.

To Grocers
To Storekeepers
To Country Buyers, and others.

FOTHERINGHAM and MULLEN have received instructions to sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, Friday, the 12th instant, at 11 o'clock prompt,
20 cases Hill and Co.'s quart vinegar, each 3 dozen
23 ditto ditto bottled fruits, each 2 dozen
12 ditto ditto ½ lb. curry powder, each 4 dozen
15 ditto ditto half-pints assorted sauces, each 6 dozen
13 ditto ditto half-pint French capers, each 6 dozen
20 ditto ditto W. I. pickles, each 2 dozen
17 ditto ditto 1 lb. jams, in tins, each 6 dozen
4 ditto ditto 1 lb. jams, each 6 dozen
23 ditto ditto 2 lb. jams in tins, each 2 dozen
15 ditto ditto half-pint salad oil, each 6 dozen.
Terms at sale.

Finest Green Teas.

Gunpowder
Young Hyson
Hysonskin.

To Family Grocers
To Storekeepers
To Country Buyers, and others.

FOTHERINGHAM and MULLEN have received instructions to sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, Friday, the 12th instant, at 11 o'clock prompt,
Ex Congo,
18 packages finest gunpowder, young hyson, and hysonskin.
Ex Star of Peace,
9 packages ditto ditto ditto.
Terms at sale.

Anchor Brand Geneva.
2000 Cases.
310.32, 19 6 U.P.

For Auction Sale, THIS DAY, the 12th instant.

To Wine and Spirit Merchants
To Publicans
To Speculators
To Storekeepers and others.

FOTHERINGHAM and MULLEN have received instructions to sell by auction, at their New Exchange Auction Rooms, No. 273, George-street, THIS DAY, Friday, the 12th instant, at 11 o'clock prompt,
2000 cases anchor brand geneva.
310 32—19 6 U.P.
Terms at sale.

Surplus Stores
Ex Sandringham.

For Auction Sale, THIS (FRIDAY) AFTERNOON, the 12th instant, on Campbell's Wharf, near Circular Quay.

Time, half-past 2 o'clock.

To Grocers
To Dealers
To Coopers
To Timber Dealers, and others.

FOTHERINGHAM and MULLEN have received instructions to sell by auction, on Campbell's Wharf, near Circular Quay, THIS AFTERNOON, the 12th instant, at half-past 2 o'clock prompt,
Ex Sandringham,
Surplus stores, &c.—
Flour
Oatmeal
Split-peas
Molasses
Suet
Limejuice
Preserved potatoes
Ditto beef
Ditto vegetables
Rice
Tinware, buckets, kids
Tinware, lead piping
Emigrants' fittings
Water casks, &c.
Terms, cash.

Hay, Straw, &c.

S. GRAHAM will sell by auction, at the Railway Terminus, THIS DAY, at 10 o'clock,
Hay, straw, &c., by the truck.

Richmond Cedar.
On Campbell's Wharf.

FRIDAY, 12th August.

To Timber Merchants, Cabinet Makers, and others.
First lot to be offered.

L. E. THRELKELD and CO. will sell by auction, on Campbell's Wharf, THIS DAY, at 3,
First lot to be offered,
Ex Maid of Riverton,
32 logs Richmond cedar, containing about 18,000 feet, more or less.
This cedar is for unreserved sale, to close an account. 26 of the logs can be seen on Messrs. Goodlet and Smith's Wharf, and the remaining 6 on Dent's Wharf, near Pyrmont Bridge.
Terms at sale.

New York Lumber.

FRIDAY, 12th August.

To Timber Merchants, Builders, Contractors, and others.
For Sale, without reserve,
On Campbell's Wharf.

Clear Pine
Merchantable White Pine
Ditto Spruce
Ceiling and Flooring Boards, &c.

L. E. THRELKELD and CO., have received instructions to sell by auction, on Campbell's Wharf, THIS AFTERNOON, at 3,
40,406 feet merchantable white pine flooring boards, 1-inch, T. and G., P. one S.
30,431 feet ditto ditto ceiling ditto, ½-inch, P. one S.
25,691 feet ditto ditto wide shelving ditto, 1-inch, P. one S.
1494 feet ditto ditto ditto ditto, P. two S. and two edges
6242 feet clear white pine, P. one S., 3-inch
2130 feet ditto ditto ditto, ditto, 2-inch
10,187 feet ditto ditto ditto, ditto, 1½-inch
2191 feet ditto ditto ditto, ditto, 1¼-inch
10,032 feet ditto ditto ditto, ditto, 1-inch.
Terms at sale.

Timber, Zinc, &c.

On Walker's Wharf.

SATURDAY, 13th August.

L. E. THRELKELD and CO. will sell by auction, on Walker's Wharf, on SATURDAY MORNING, at half-past 10,
A quantity of spruce deals, zinc, &c., being the materials used in the construction of a malt bin on board the ship Adelaide Baker.
Terms, cash.

Groceries
Oilmen's Stores
Provisions.

TUESDAY, 16th August.

Preliminary Notice to Wholesale and Retail Grocers, Country Storekeepers, and others.

Ex Spray of the Ocean.

L. E. THRELKELD and CO. have been instructed to sell by auction, at the City Mart, on TUESDAY, at 11,
500 cases oilmen's stores, groceries, and provisions.
Full particulars will appear.
Terms at sale.

Damaged Sugars.

On account of whom it may concern.
Ex St. Joseph, from Bourbon.
More or less damaged by sea water.

TUESDAY, 16th August.

L. E. THRELKELD and CO. have been instructed to sell by auction, at the City Mart, on TUESDAY, at 11,
1200 small mats sugar,
More or less damaged by sea water.
Terms, cash.

Damaged Oil Stores.

On account of whom it may concern.
Ex Northfleet, from London.

To Grocers, Confectioners, and others.

N. COLLIER has received instructions to sell by auction, at the Commercial Sale Rooms, 142, Pitt-street, THIS DAY, at 11 o'clock,
The following oil stores, all more or less damaged by sea water:—
M.R.W.,
35 cases Colman's mustard, each 4 dozen 1 lb. tins
28 ditto ditto ditto, each 6 dozen ½ lb. tins
18 ditto Horar's castor oil, each 6 dozen half-pints
24 ditto hair oil, each ditto
28 ditto Batty's jams, each 6 dozen 1 lb. tins
1 ditto Letchford's wax vestas, 15 gross.
Terms, cash.

Wines, Spirits
Draught and Bottled Beer, &c.

To Wine Merchants, Hotel Keepers, and others.

N. COLLIER has received instructions to sell by auction, at the Commercial Sale Rooms, THIS DAY, at half-past 11 o'clock, without reserve,
To close an account,
13 hogsheads 7 quarters Central Society's dark brandy
12 quarters Associated Vineyard Proprietors' dark and pale ditto
250 cases pale brandy, various brands
70 ditto Stewart and Wotherspoon's whisky
10 quarters Horney's ditto
93 casks Moody's stout, quarts
22 ditto, ditto, pints
50 cases Dawson's ale, quarts
20 hogsheads ditto.
Terms at sale.

Damaged Salad Oil
Epsom Salts, Liquorice, &c.

To Grocers, Druggists, and others.

N. COLLIER has received instructions to sell by auction, at the Commercial Sale Rooms, 142, Pitt-street, THIS DAY, at 11 o'clock,
All more or less damaged by sea water,
73 cases, pints, salad oil, each 2 dozen
3 cases Epsom salts, each 1 cwt., 1 oz. packages
1 case liquorice.
Terms, cash.

Brandon's Neva Candles
Table Salt, Salad Oil
Paper, Paper Bags, &c., &c.

To Grocers and others.

N. COLLIER has received instructions to sell by auction, at the Commercial Sale Rooms, 142, Pitt-street, THIS DAY, at 11 o'clock,
150 boxes Brandon's Neva candles, 16 oz.
150 ditto ditto ditto, 12 oz.
50 cases table salt, in bottles and jars
200 cases pint salad oil
10 bales royal hand
13 ditto paper bags, assorted.
Terms at sale.

EIGHT BUILDING ALLOTMENTS, forming a Block of Land on the SOUTH HEAD ROAD, part of the late Mr. West's Estate, a little beyond the Paddington Brewery, towards the present Toll-gate. The old buildings now on a portion of the land will be sold in one lot, and a limited time fixed for their removal.

This block of land, which extends from the South Head Road to the small fresh-water creek at the rear, has been subdivided into allotments, four of which front the main road, and the others have frontages to a new street nearly east and west, called Spring-street, with entrance from the South Head Road.

A plan has been prepared with a view to suit the means of mechanics, clerks, and others who may be desirous of erecting suitable dwellings for themselves on freehold land on the boundary of the city, ensuring a healthy position within a few minutes' walk from their places of business. The allotments fronting the main South Head Road may be considered suitable for shops or private residences.

T. W. BOWDEN is instructed to sell the above property, at the Land Sale Rooms, 154, Pitt-street, on THURSDAY, the 18th August, at 11 o'clock.
Liberal credit. Title satisfactory.

TO BE SOLD, pursuant to an order of the Supreme Court of New South Wales, in Equity, dated the seventh day of February, One thousand eight hundred and sixty-two, made in the cause wherein TIMOTHY RIORDAN is plaintiff, and WILLIAM HELLYER and others are defendants, with the approbation of George Hibbert Deffell, Esq., the Master in Equity of the said Court, at the Auction Rooms of Messieurs Mort and Company, in Pitt-street, Sydney, on WEDNESDAY, the 7th day of September, 1864, at 11 o'clock, in the forenoon, six lots certain freehold property, situate at the Old South Head Road, in the City of Sydney, particulars whereof may be shortly had gratis, at the office of the said Master, Supreme Court-house, King-street, Sydney; of the Crown Solicitor, Macquarie-street North, Sydney; and of the auctioneers.
Dated the 6th day of August, 1864.
GEORGE HIBBERT DEFFELL, Master in Equity.

POSTPONED TO WEDNESDAY, 17TH AUGUST.

THE PICK OF DARLINGHURST.
CHOICE BUILDING SITES,
Fronting
VICTORIA-STREET,
DARLING-STREET,
SURREY-STREET,
To be sold by public auction, at the Rooms, Pitt-street, at 11 o'clock,
On WEDNESDAY, 17th August.
TITLE—Real Property Act.
LITHOGRAPHS ready for distribution.
MORT and CO.

IN THE SUPREME COURT OF NEW SOUTH WALES.
In Equity.
Between TIMOTHY REARDON, Administrator of the late Matilda Rearden, formerly Matilda Taylor, plaintiff; and WILLIAM HELLYER and others, defendants; with the approbation of the MASTER IN EQUITY.

CITY OF SYDNEY.
SIX VALUABLE ALLOTMENTS, SOUTH HEAD ROAD, immediately opposite THE CHURCH OF THE SACRED HEART.
Terms at sale.

MORT and CO. have been instructed by the Master in Equity to sell by public auction, at the Rooms, Pitt-street, at 11 o'clock on WEDNESDAY, 7th September,
The following valuable freehold building sites, situate in the CITY OF SYDNEY.
6 valuable allotments each having a frontage of about 20 feet to the OLD SOUTH HEAD ROAD, by a depth through to TAYLOR-STREET of from 79 to 88 feet.
*** These allotments are immediately opposite the CHURCH OF THE SACRED HEART, and comprise the land formerly cultivated by Mr. Case, adjoining his present Veterinary Establishment, and are portion of the property of the late ROBERT TAYLOR. The position is a rising one, and is daily increasing in value. The division is made to suit the wants of small capitalists, mechanics, and others.
Plan on view at the Rooms.

BONDI.
5 ACRES, Cole's grant, adjoining Mitchell's 10 acres, overlooking Bondi and Nelson Bays.

WAVERLEY.
5 ACRES adjoining Hough's 10 acre grant, South Head Road, and opposite Williamson's and Smart's grants, also adjoining the City Water Reserve.

TOWN OF MURRUMBAH.
HALF-ACRE ALLOTMENT, No. 10 of Section 2.

RICHARDSON and WRENCH have received instructions to sell by public auction, at the Rooms, Pitt-street, on FRIDAY, 19th August, at 1 o'clock,
The above valuable pieces of land.
Plans on view at the Rooms, where full particulars may be obtained.
Terms at sale.

CASTLEREAGH-STREET,
CITY OF SYDNEY.

Valuable Allotment and portion of the Premises No. 331, Castlereagh-street; also three Weatherboard Tenements at the rear.
The Land has a frontage of 24 feet to Castlereagh-street on the west side, a few yards south of Bathurst-street, with a depth of 118 feet.

RICHARDSON and WRENCH have received instructions to sell by public auction, at the Rooms, Pitt-street, on FRIDAY, 19th August, at 11 o'clock,
The above favourably situated
CITY FREEHOLD.
Plan of the property may be inspected at the Rooms, and particulars of title may be obtained on application to Messrs. Spain and Roxburgh, solicitors, Exchange.
Terms at sale.

To Capitalists.

MAGNIFICENT CITY INVESTMENT.

CASTLEREAGH and ELIZABETH STREETS, CITY OF SYDNEY.
Positive Sale.
By order of the Mortgagee.

RICHARDSON and WRENCH have received instructions from the mortgagee to sell by public auction, at the Rooms, Pitt-street, on FRIDAY, 19th August, at 11 o'clock,
All that piece of land, containing by admeasurement ONE ROOD FOURTEEN PERCHES, in the city of Sydney, being allotment No. 5 of section No. 39, and bounded on the east by Elizabeth-street, 141½ links (93 feet); on the north by No. 6 allotment, 246 links (162 feet); on the west by Castlereagh-street, 133 links (88 feet); and on the south by No. 4 allotment, 247½ links, on which, FRONTING ELIZABETH-STREET, are the following premises—
Dwelling-house, occupied by Dr. Foucart; dwelling-house and offices, occupied by James Hart, Esq., M.L.A.
And FRONTING CASTLEREAGH-STREET,
Dwelling-house occupied by Daniel Egan, Esq., M.L.A.
☞ As the whole of the above will be positively sold in one lot, the special attention of capitalists is directed to the sale. The position is one of the most valuable in the city, with extensive frontage to two main thoroughfares, between King and Hunter streets, and the premises are well-known, substantial, commodious, well-finished dwelling-houses, now realising at very low rentals
£450 PER ANNUM.
It is very rarely an opportunity occurs for securing in one block, so compact or so valuable a city investment, occupying considerably over one quarter of an acre in the centre of Sydney, highly improved, and from which a certain and much higher return than is at present obtained, can at all times be depended on.
TITLE Unquestionable—full particulars of which can be obtained on application to T. B. Rolin, Esq., solicitor, Pitt-street.
TERMS—LIBERAL.

IMPORTANT UNRESERVED SALE.

FRIDAY, 19TH AUGUST.

DOWLING-STREET, WOOLLOOMOOLOO.
Two capital Dwelling-houses, Nos. 120 and 122, Dowling-street, with land extending to Duke-street.

JONES' BAY, PYRMONT.
Valuable Block of Land, 2 roods 14 perches, with frontage to the Harbour, adjoining the works of the Australasian Steam Navigation Company. Leasehold.

BONDI, COOGEE.
Ten acres 2 roods 22 perches fronting the ocean, adjoining the Government Reserve and Hatfield's grants, and divided by a road from King's grant, the corner boundaries of which are marked with stone posts.

PARRAMATTA ROAD, CAMPERDOWN.
Allotment of Land 57 feet to the road, opposite St. John's College, with a depth extending to Junction-street, on portion of which land is a stone-built house, containing shop and seven apartments, occupied by ——. Also, two allotments at the rear of the above, fronting Smith and Junction streets, and the Orphan School Creek.

RICHARDSON and WRENCH have received instructions to sell by public auction, at the Rooms, Pitt-street, on FRIDAY, 19th August, at 11 o'clock,
The following valuable properties:—
LOT 1.—DOWLING-STREET.
All that piece of land having a frontage of 34 FEET TO DOWLING-STREET, WOOLLOOMOOLOO, extending to Duke-street, to which it has a similar frontage; the depth is upwards of 114 feet.
On this fine block of land are the following premises:—
No. 122, DOWLING-STREET.—A brick-built two-story house on stone foundations, with slate roof, containing five rooms, large kitchen, and servants' room, with large yard, shed, &c., at the rear.
No. 120, DOWLING-STREET.—A brick-built two-story house, on stone foundations, containing four rooms, two attics, and kitchen, with yard, &c., at the rear.
*** The above occupy a good position near the Bay. They are neatly finished dwelling-houses, with balconies in front, and have each an unusually large yard, with entrance from Duke-street.
They will be sold in one or two lots, to suit purchasers.
LOT 2. JONES' BAY, PYRMONT, DARLING HARBOUR.
2 roods 14 perches of land, with extensive frontage to Jones' Bay and John-street, next to the southern boundary of the land leased to the
AUSTRALASIAN STEAM NAVIGATION COMPANY.
The property is leasehold; about 88 years to run, at a ground rent of £20 per annum.
LOT 3. BONDI.
10 acres 2 roods 22 perches.—A beautiful site, overlooking the ocean, and adjoining the grant to Mr. Hatfield and the Government reserve; also divided by a road from Mr. King's grant.
LOT 4. PARRAMATTA ROAD, CAMPERDOWN.
All that piece of land, having a frontage of 57½ feet to Parramatta Road, opposite St. John's College, with a depth of about 167 feet, extending to Junction-street, to which has also an extensive frontage, on portion of which land is a substantial stone-built house, occupied by Mr. Belcher. It contains shop and six apartments, with large yard, &c., at the rear. At the back are two unimproved allotments, fronting Smith and Junction streets, and the Orphan School Creek.
Plans on view at the Rooms.
Terms, liberal, at sale.

National Library of Australia http://nla.gov.au/nla.news-page1475628

CRIMINAL IDIOSYNCRASIES.

PENTRIDGE has recently obtained for itself a vast amount of renown in this colony. Until the recent adjourned sittings of the Criminal Court, we doubt much if five per cent. of our population were aware of the existence of this rural retreat for Victorian crime. It has now burst upon us in all its glory, and we have been able to appreciate feelingly, if not admiringly, the skill with which our neighbours manage their penal establishments, and the schooling which the convicts themselves receive whilst in durance. We should imagine, from what we have heard during the recent trial of Cust, that the system of classification followed at Pentridge was most complete, and attended with immense advantages to the prisoners in the respective branches of crime to which their several weaknesses addicted them. Murderers in the second degree,—we mean men who have been convicted of manslaughter—form a first-class, being entitled, as the French say, to *la plus haute considération*, by reason of the magnitude of their offence. These, being kept carefully separated from the lower grade of criminals, would be able to form a company apart, to compare notes with each other, to canvass their respective mistakes, to suggest remedies for the future, and, finally, when furnished with the inevitable ticket-of-leave, to start afresh with increased experience, and do their deeds of blood in a more secret and more artistic manner. Bushrangers would form the second class, but Victoria possesses nothing so low or brutal in the shape of crime as the bushranger. Her criminals are artists in their several walks, and are able to bring their works up to the very highest pitch of skill by the hints they gain and the knowledge they acquire by means of the association with their fellows in crime during their recurring periods of temporary difficulty or obscuration within the stone walls of a gaol, or in the rustic retreat of Pentridge. There has been a kind of vulgar imitation of the New South Wales bushranger, in the shape of footpads and highway robbers; but this has been so manifest an imposition, that it has never for a moment deceived anybody, and has altogether failed in securing that sympathy and admiration that a free and enlightened people have bestowed upon the *bona-fide* bushranger of New South Wales. The second class then, the bushranger, being wanting, is given to the forger; and here Victoria shines preeminently. She can lay her hand upon her heart, and in all honesty boast of having produced as fine and full-blown a gang of forgers as ever New South Wales did of bushrangers. And she takes the *pas* of us in this, as she says she does in everything else, for whereas our stock criminals are ignorant, uneducated, vitiated by bad associations in childhood and youth, and have been led into crime almost before they knew what it meant, the renowned of Victoria are polished, highly educated, of good family and connexions, and have fallen into crime by the workings of their own evil passions. And how admirably have the consultations and the mutual exchange of ideas at Pentridge enabled these men to come out in a scheme of forgery that puts to the blush the rude and primitive efforts of those who have gone before them, and who would never have succeeded but for lack of diligence on the part of those who should have checked them. How cleverly was every portion of the comedy plotted out and performed. The stout, fresh, and unmistakably respectable man of business is sent forward to establish himself in trade, unquestionably correct, indisputably wealthy, and with only just a sufficient sporting penchant to make it appear that it was all in the way of business. Only a very short time is necessary to give such a man a firm standing, and this acquired, the clever man enters on the scene. He is a highly finished penman who, with laudable pride, declares that with five minutes' practice he will imitate a signature so closely that the person whose writing it purports to be will not be able to say that it is not his. The clever man, however, slightly spoils the game, by beginning business on his own account, and not only gets himself into trouble, but the respectable tradesman into difficulty. In the meantime, the gentleman arrives,—not from Victoria—no, no—too clever for that,—but from New Zealand, where he has lived, oh, an infinity of years, engaged in extensive cattle operations. Of course he comes to purchase cattle, and pays a good round sum into the bank, another payment follows, and then comes a forgery. The rest of the scheme and the natural sequence have been pointed out by the Chief Justice much better than we can do.

But we have been tempted into these remarks, which we had not the slightest intention of making when we commenced this article, by our intense admiration at the perfection to which the art of forgery has reached under the fostering influence of the crime-laden air of Pentridge. What we particularly wished to point out was the marked and unmistakable difference that exists between the criminals of New South Wales and those of Victoria. Here, crime mounts on horseback, sticks a revolver in its belt, and sallies out in search of its prey; there, it seats itself at a table in a snug parlour, primed with Clicquot instead of powder, and levies its contributions with the pen. Ah, Bulwer! you little thought when you wrote, "the pen is mightier than the sword," that your apothegm would be seized upon and carried out by the bright master-minds of Pentridge. Our criminals are brutal and unlearned, whilst their's are highly polished gentlemen, who cultivate the fine arts, are amateurs of poetry, and even write it. Our convict can barely read, still less write; whilst theirs strings rhymes together, contributes to the poet's corner of some daily metropolitan paper, and writes a heap of maudlin sentimentality overnight in preparation for the murder of his gaoler, which has been planned for the morrow. How this strong difference occurs between the criminals of colonies so near together we are unable to make out. There may be something classic about the air of Pentridge; if so, it is in the air alone, for there is nothing interesting, still less picturesque, in its dreary plains and dull extensive quarries. Or there may be something mentally invigorating in the breeze as it comes wafted to the hulks over the mud-flats of Hobson's Bay. Pentridge! why, the very name breathes poetry, and is suggestive of quiet glassy slopes, with cool glades and running streams between—of quiet herds pasturing or lazily chewing the cud in dozy comfort—of that bright realisation of acclimatisation that has so long haunted Wilson—of the notes of the blackbird and thrush rising from the copse, and of the hare scouring along the ridge and dashing into the thicket. How different is the very name from our own Cockatoo! What poetry can you possibly get out of that? It gives you a notion of nothing but noise and discomfort, harsh sounds, strong beaks, hard bites, sharp claws. Would it be possible to study the *ingenuas artes* under such discouraging circumstances as an enforced residence on an island with such a name as "Cockatoo."

And now to come to why we have written all this. The convict Cust is not a poet, but he is an admirer of poetry. No doubt his seclusion in the classic purlieus of Pentridge in a great measure tended to beget this taste, which we doubt if he previously possessed. He was, however, getting on, and if success had attended his artistic efforts, and if he had been left alone by the police, who, in his opinion, are not immaculate, he would probably have been a perfect Australian Mæcenas and the firm patron of literature, have subscribed to Kendall's Poems, and Moore's Songs—Sheridan, not Tommy Moore's—and might even have gone the length of purchasing a copy of Parkes' "Murmurs."

All this, however, was not to be. A valuable career of patronage has been abruptly brought to a close, and we have now to read the man from the evidence of the few and meagre extracts before us. These were found in a highly-scented morocco covered note book, in which they had been entered at different times, as Mr. Convict Cust had come across them—he, no doubt, having in his mind the valuable recommendation of the celebrated Captain Cuttle, "When found, make a note on't."

The first quotation is one that not only ought to have a place in the scrap-book of such a man as Cust, but ought also to have the *first* place, as very properly given to it. It is

> "The ancient rule, the simple plan:
> That they shall take who have the power,
> And they shall keep who can."

Here, then, we see as it were this gentleman convict's starting point—his rule of conduct—the law by which his after-operations were to be guided. Surely if the bank officials could have had a peep here they would have looked much closer after the outgoings and incomings of Mr. Jones alias Cust. But to show still further the direction in which his thoughts tended, we have the next quotation from Hood's "Miss Kilmansegg":—

> Gold, gold,
> Bright yellow, hard and cold,
> Molten, graven, hammered, and rolled,
> Heavy to get, and light to hold.

Now, we wonder whether, in making this extract, Mr. Cust read the remainder of the moral of which this forms a part, or whether he picked it up as the pickpocket did the pocket-handkerchiefs "permiscuously." Had he come across the following lines which form a part of it, they might perhaps have led him, an admirer of poetry, to think; though no doubt they were read, digested, and discarded as inappropriate by a man of his extended mind:—

> Stolen, borrowed, squandered, doled:
> * * * *
> Price of money a crime untold
> * * * *
> Good or bad a thousand-fold
> * * * *
> To save—to ruin—to curse—to bless.

The words "stolen," "crime," "ruin," and "curse," were of course too harsh for the vocabulary of a gentleman who, as it afterwards appears, desired all his hours to be rosy ones. We are next treated to a little bit of sentimentality, evidently prepared for the express solace of Miss Bain under some depressing influences. It is not euphonious, and is evidently a mis-quotation:—

> And thou wert sad, and I was not with thee,
> And thou wert sad, and yet I was not near.

The next is so gross a case of mis-quotation as even to make Mr. Cust ashamed of it, and it is consequently crossed out, but as it appears lower down in a correct form, there is no occasion to give it here. Then comes:—

Why all this toil for triumphs of an hour?

Yes, why, indeed, when only half the toil and skill and effort bestowed upon what has so truly proved merely the triumph of an hour would have been sufficient to have made him successful in an honest path. It is strange how strongly the truth will strike these men even in spite of themselves, and how firmly, even though knowing it, they will persist in following the wrong path, and though the triumph of the hour is followed by the misery of a lifetime. The line was considered to be so impressive, and perhaps even vaticinal, that it was underlined by the convict himself. This passage, however, seems to have led him into a gloomy train of thought, and consequently the next extract that is considered sufficiently appropriate for the note-book is:—

> What though we wade in wealth or soar in fame;
> Earth's highest station ends in "Here he lies,"
> And dust to dust concludes his noblest song.

Now, one would think that here Mr. Cust had serious thoughts of cutting his forging connections, becoming an honest man, and going in for decency. He has evidently got down to the proper key; and if we were sure that he read the books quoted from, we should be inclined to say that after Young's "Night Thoughts" his intentions were what we described them to be. Suddenly, however, we have a change into the gentleman, the light and easy man of the world. Richard is evidently himself again, and Mr. Cust draws something which he doubtless considers to be his own picture when he extracts:—

> Adorned with a strange mixture of monastic learning and aphorisms *collected from a weary* EXPERIENCE OF ACTUAL LIFE.

Again the underlining is the convict's own, showing that he has not altogether got over the sombre vein, though he is gradually resuming his philosophy, and, from regret, is fast shifting into cynicism. This is shown more clearly by the next extract:—

> So, unlike the order of the external universe, glide together side by side the shadowy steeds of night and morning * * * * * In life, the mind and the circumstance give the true reasons and regulate the darkness and the light.
> Of two men standing on the same foot of earth, the one revels in the joyous noon, the other shudders in the solitude of night.
> For hope and fortune the day star is ever shining.
> For care and penury night changes not with the ticking of the clock or the shadow of the dial.
> Morning for the heir, night for the houseless, and God's eye on both.

Mr. Convict Cust is evidently getting on by degrees. We find him sunk in despair, and then calling philosophy to his rescue, finding relief in sneers, and now he actually gets almost to abuse:—

> * * * * from a false, unjust, and miserable world, in which the first man was a rebel and the second a murderer.

It is all very fine, Mr. Cust, to abuse the world and call its people names, merely because you are not allowed to do as you like in it. It is you and such as you that are the cause of the falsehood, injustice, and misery that you complain of, since these would exist only in a very minor degree, in the absence of crime. Having now anathematised the world and all in it, Mr. Cust finds it difficult to get any farther, so he brushes his hair, puts on a clean shirt collar, and evidently goes out on the spree, for his next quotation commences "Too late I stayed:"—

> Too late I stayed, forgive the crime,
> Unheeded flew the hours,
> How noiseless falls the foot of time
> Which only treads on flowers.

Things are certainly looking up with him, for he altogether drops the "miserable and unjust" and takes only the brighter and rosier view in this and the following quotation:—

> Ah! who with clear account remarks
> The ebbing of his glass;
> When all its sands are diamond sparks,
> Which dazzle as they pass.

In the next he assumes the high moral tone of extract, and we are utterly at a loss to conjecture the frame of mind that induced him to make it one of his excerpta, unless, perhaps, he was hard up, and some of his "friends" had not been ready with the "ready":—

> Think less of class and creed,
> And what you can for fellow-man
> Do in his hour of need.

This is the more probable interpretation, since the entry that immediately follows would almost lead to the conclusion that Mr. Cust's mind had been led to the investigation of legal questions in connection with the criminal practice of our courts, and that he was already in dread of what criminals lucidly describe as "trouble." That entry is:—

Particeps criminis
(Criminally participant).

The direction in which his thoughts tended is clear. He has a kind of idea that the end is coming on him, and that he will shortly reap the reward in accordance with the seed he has sowed. The next quotation is a kind of "Never say die," "What's the odds" sort of affair with which the vulgar class of criminals endeavours to solace itself:—

Finis coronat opus
(It is the end which crowns the work).

And, as is the work, such will be the end. Forget not that Mr. Convict Cust,—forget it not all you who are now verging upon that line that separates right from wrong! We are now coming to the end of our quotations, for Mr. Convict Cust, in his next extract, declares himself to be

In extremis.

We can almost imagine him, as, surrounded by detectives and afraid to show his head, he makes this entry in anticipation of his arrest; and we can picture the old "Never say die" spirit coming on him again as he makes the last and the most ominous of his entries:—

Non numero horas nisi serenas.

Anticipatory of incarceration and of penal discipline "on the roads or other public works of the colony," including the healthful but somewhat monotonous exercise of stone breaking, Mr. Convict Cust declares he will take no heed of time unless it comes to him pleasantly. A very comfortable theory for him if he can but reduce it to practice.

This man Cust is about a fair sample of the smooth, polished, gentlemanly ruffians that have graduated at Pentridge and that now overrun this colony in every part. Under the sanction of tickets-of-leave they obtain their liberty, and once free, the guard over them is so lax, there is such a suggestive doziness about the eyes of police officers who meet the ticket-holder on wharves or at shipping ports, that the half-free convict takes the hint and slopes to other and untried soil, the only police ejaculation that follows him being "Don't let me catch you here again that's all." If immaculate Victoria be but freed of their presence no questions will be asked, and this is now so well known to be the case, that batches of ticket-men, on receiving their paper for different districts, regularly make a rendezvous with each other, at Sydney or some other equally unfortunate port.

VICTORIA.

THE City of Melbourne steamer brings papers to the 9th instant, from Melbourne.

The *Argus* states that by the ship Result, from London, has arrived a battery of Armstrong guns, together with a large quantity of military stores.

The same paper says:—Another action arising out of the wreck of the ship Eli Whitney is now undergoing investigation before Mr. Justice Barry and a special jury of twelve, at the Supreme Court. The plaintiffs are Messrs. J. H. Clough and Co., who seek to recover from the Hobart Town and Launceston Marine Insurance Company the sum of £1000, on a policy of insurance. Sixteen witnesses have already been examined in support of the plaintiffs' case, and further evidence on the same side has yet to be given.

The second quarterly meeting of the Victorian Rifle Club, for the present year, took place on Saturday. The firing, which was at the Sandridge Butts, occupied from half past seven o'clock in the morning until half-past five in the evening. A challenge cup, value £10—offered for the best shot in the match for small-bore rifles only—passed out of the hands of the society, being won for the third time by Mr. F. T. Sargood, of the St. Kilda Artillery. The same gentleman also made a step towards securing another similar trophy, as he was the highest scorer in the match open to any rifle that will carry Enfield ammunition. The prize is a challenge cup, value £15, with £3 added. This cup, like the other, will become the property of the member winning it three times. The day was very favourable for rifle practice, and some good scores were made.

The *Argus* states that the Victorian Poultry Society's show for 1864 concluded on Saturday evening last, and its success has given additional assurance that these exhibitions will be repeated periodically in the future. Except in minor points, there is little room for complaint, for the exhibits have been of high quality, the awards of prizes generally satisfactory, and the attendance numerous.

The same paper mentions, that on Saturday, Roberts, the billiard champion, excelled all his previous performances in Victoria. Surprising as his extraordinary and unvarying skill has proved to the billiard amateurs of Melbourne, they yet longed to witness some of those splendid spot-ball breaks which have spread his fame throughout the world, and on Saturday afternoon they were fortunate enough to get a specimen. The occasion was an afternoon match with an amateur player, who has since his very recent arrival here, gained considerable fame as a superior player, next only to Lamb. To him Roberts gave 500 points—half the game—and he succeeded in scoring 297 points. Never during his visit was the champion so brilliant; and, after several fine attempts, he at last achieved a break of about 186 points, 174 of which were made up by 58 winning red hazards off the spot. In the evening, Roberts played his third match with Lamb, who made a gallant effort, but it only added 284 points to the 450 points given him. Among other breaks, Roberts made one which included 33 repetitions of his famous spot stroke, thus scoring 99 points.

Tuesday's *Argus* says:—The resolutions recently adopted by the central committee of the Anti-Transportation League of Victoria, as to the necessity for immediate action on the part of the Government with respect to transportation to Australia, were submitted to the Chief Secretary yesterday, by a deputation, consisting of Mr. W. C. Haines, M.L.A.; Mr. John O'Shanassy, M.L.A.; the Hon. J. P. Fawkner, Mr. Edward Wilson, and other gentlemen. The interview occupied some time, several members of the deputation addressing the Minister at length upon the question. Mr. M'Culloch listened patiently to the representations made on the occasion, and gave his assurance that the Government were fully alive to the importance of the subject. The answer to the Legislative remonstrance forwarded to England in March last, he said, was expected by the incoming mail, and in the event of that answer proving unfavourable the Government would be prepared to take action, but the nature of this action he was not in a position to disclose, because it would have to be laid before the new Parliament. A meeting of the central committee of the league was afterwards held at the Town-hall, when the hon. secretary (Mr. Fitzgibbon) was requested, on the arrival of the mail, to ascertain from the Chief Secretary the purport of the reply of the Home Government, and communicate it to the next meeting.

The same paper states that the mysterious death of Peter Le Page and Leonard Jeffries, two persons whose bodies were found this day week in a deep underground excavation adjoining a brickfield, at Malvern, and fitted up with all the appliances of a secret still, has now been accounted for by the verdict of a coroner's jury. The particulars of the case have been already partially made known to our readers, and the completion of the coroner's inquest yesterday adds but very little to our previous stock of information. The deceased persons were, it appears, engaged in illicit distillation, and their occupation, and the locality of the still, were more or less known to several persons, but nobody suspected that anything extraordinary had happened till the persistent inquiries of Jeffries, sen., who was alarmed at his son's continued absence, caused an examination of the shaft, leading to the scene of distillation, four days after the two men had been missed. A great number of witnesses were examined on Monday last; but as the investigation related only to the manner of death, and how far those who knew of the still had any right to suppose an accident, little was elicited except some tolerably complete proof that no one was to blame but the deceased persons themselves, who, especially Le Page, an old distiller, must have known the danger of encountering the poisonous fumes of alcohol in an unventilated apartment. According to the evidence of Mr. Job Phillips, surgeon, the deceased persons must have drunk so much of the raw new spirit as to become intoxicated, in which state they probably lay down to sleep, till the destructive fumes, made more dense by the moistness of the soil, overwhelmed them. The jury found that the cause of death was alcoholic poisoning.

ROBERTS' BILLIARD MATCHES.—The *Argus* of Tuesday says:—Last night was an exceptional one in Roberts' play. Not that he surpassed his previous brilliant efforts, but they assumed a new phase, while he played, for the first and probably only time, a few pyramid games. This was during the later portion of the evening, for the earlier part was occupied by a game with Mr. Norcliffe, for 500 points at the "English" game, in which the champion was thought less successful than usual. This, which was greatly owing to Mr. Norcliffe's very fine play, did not affect the result, though it gave Roberts' opponent cause every now and then to exert himself. Not till Norcliffe, who received 250 points, had made them up to over 390, did Roberts pass him, and his greatest break did not reach 80 points—the spot stroke being almost unavailable. Even then a few unsuccessful spots gave Mr. Norcliffe opportunities of which he availed himself so well that he actually gained on his opponent, and at 450 the points were equal. Roberts was then driven to as much like extremity as he has yet encountered here, and, as might be expected, he scored the game very nearly in one break. At its close the game was 500 v. 463. The pyramid games then began, Roberts giving three balls to the same adversary, as before. This was very nearly half the game, and, as the event proved, superb play alone gave that victory, which, with good or ill fortune, seems to belong to Roberts in any case. In the first game, Mr. Norcliffe played for safety, and then Roberts put the question, "Was it the colonial rule that he should score if he drove a ball off the table?" The reply was, of course, "Yes;" and in a moment, off went the ball. This feat was repeated several times during the games, but on two occasions the player's ball went off too, so that then the score went the wrong way. The amazing dexterity of this stroke caused something like enthusiastic applause. Roberts won his first game by five balls, in seven minutes and a half. The next he won in the same way, in only four minutes; for after his opponent had scored two, Roberts pocketed all the rest. The next game was easily won by Norcliffe, by five balls, and he won that following by the game ball only. Again he won by five balls, and then Roberts seemed to think it was time to move. By a succession of splendid hazards he scored 10 in one break, and made a love game. The rest were pretty much in the same way, and Norcliffe was only allowed to win one more game, the match concluding at—Roberts, 6 games; Norcliffe, 4 games.

NEW ZEALAND.

NELSON.

BY the I. R. M. Co.'s steamer Otago, we have Nelson papers to the 6th instant, from which we quote as follows:—

THE BISHOPRIC OF NELSON.—The *Examiner* of the 6th reports that "a special session of the Synod of the Diocese, convened by the Bishop, has held its sittings for the last two days, at the Court-house. The especial object for which the Synod was convened was, we understand, to take preliminary steps towards the nomination of a successor to the present Bishop, whose resignation we announced a short time since. An address was presented by his lordship to the clerical and lay members of the Synod, explaining the cause which had led to his resignation; pointing out the steps to be adopted in order to obtain a successor; and speaking of the Bishop's position in the *interim* before his successor's arrival in the diocese. An address was also presented by the Synod to the Bishop, expressive of its regret that the state of his Lordship's health had necessitated his resignation of the episcopal charge, thanking him for the courtesy, &c., exhibited towards those committed to his care, and suggesting a reconsideration of the Bishop's determination. Before separating, the Synod, as the representative body of the Anglican Church in this province, proceeded to nominate the Venerable H. Jacobs, M.A., now archdeacon of Akaroa, and incumbent of St. Michael's Church, Christchurch, and formerly sub-warden of Christ's College, Canterbury, as the successor of the present Bishop of Nelson."

THE GREY GOLD-FIELD.—No intelligence of a satisfactory character concerning the reported gold-fields in the neighbourhood of the river Grey was brought up by the steamer Nelson on the 4th instant. Parties were out prospecting; and, although small samples of gold had been found in different localities, no ground, considered sufficiently rich to work, had been struck.

ACCLIMATISATION.—A very handsome pair of pheasants, brought from Auckland, expressly for presentation to our Acclimatisation Society by Mr. Small, have been handed over by that gentleman to the secretary of the society, in whose charge they now remain. They will form a very welcome accession to our present stock of foreign birds, and, if allowed to breed unmolested, will, doubtless, assist in rendering our supply of game far more varied and plentiful than is the case at present.

DESTRUCTIVE FIRE.—Early on Tuesday morning, the 2nd instant, the fire-bell was heard pealing forth its ominous tones, and the town was quickly in motion. It was soon discovered that a house, situated on the block belonging to Mr. Coleman, in Bronté-street, and occupied by Captain Wheeler, of the Intercolonial Royal Mail Steampacket Company's service, was in flames. The police were speedily on the spot, and did all that lay in their power to arrest the spread of the conflagration. So rapid, however, was the progress of the flames, that by half-past six o'clock the building presented little else than a mass of charred embers. The value of the property consumed is estimated at £350. The house was insured in the New Zealand Insurance Company for £200.

SIR GEORGE GREY'S DESPATCHES ON THE WAR AND CONFISCATION.

(From the Daily Southern Cross.)

UNDERNEATH we reprint three important despatches from Sir George Grey to the Duke of Newcastle on the native rebellion and the proposed plan of military settlement and confiscation. These were written in July and August, 1863, before the Assembly had adopted the responsibility on native affairs thrust upon the colony by the Secretary of State for the Colonies. They are highly important when read in conjunction with Mr. Cardwell's despatch, for they clearly and truthfully state the views and opinions of his Excellency at the commencement of hostilities, and leave to be inferred that under-current which has drifted him into the position in regard to the war and confiscation in which we now find him.

It is as clear as noon-day that his Excellency has advisers besides those responsible to the colony and amenable to public opinion; and it is equally clear that, in consequence of the advice tendered by these irresponsible advisers, Sir George Grey is endeavouring to recede from the position he assumed, and into which he actually forced the colony on the outbreak of hostilities.

The despatch of Mr. Cardwell, hazy and contradictory as it is, will perhaps be made the pretext for pursuing the line of conduct on which the Governor has entered for some time; but it is as well to let it be distinctly understood to whom the confiscation and military settlement schemes really owe their origin. No one can doubt that Sir George Grey is their author, from the terms of his despatch, of date August 29, 1863; and in the fifth paragraph of the same despatch the "rapid expansion" of the principle embodied in the military settlement scheme, of which Mr. Cardwell complains, is unmistakably foreshadowed. Sir George Grey did not know, at the time he wrote the despatch, to what extent the natives would commit themselves as a body; and he takes care to impress upon the mind of the Duke of Newcastle the imperative necessity of confiscating the lands of all rebels, as a deterrent to the others. If, therefore, the rebellion has become pretty general, of which there can be no doubt, the confiscation, on the principle laid down by his Excellency in the despatch referred to, ought to be in like proportion; the land of the rebellious natives ought to be taken from them, and a European population located on the conquered territory, "strong enough to defend themselves in those natural positions which will give us the entire command of it [the Province], and will convince the badly-disposed natives that it is hopeless to attempt either to drive the Europeans out of the country, or to place them, throughout a great part of its extent, under the rule and laws of a king of the native race, elected by the Maori population."

This is the policy which the General Assembly sanctioned; it is the policy embodied in the Acts which form the subject matter of Mr. Cardwell's despatch; and it was the policy of his Excellency at the time he wrote the despatch in question. We will not stop to argue the wisdom of the policy, for Sir George Grey settles that point by saying that he can devise no other plan than this to insure the permanent security of the country, prevent the wholesale destruction of the European population, and deter other native tribes from entering into a conspiracy for a like purpose as the present rebellion.

Mr. Cardwell, and Sir George Grey, and his irresponsible advisers, now wish to reduce the confiscation to very narrow limits. They appear to have lost sight of the necessity for protecting the European population, or insuring the peace of the country in future, and of deterring others from the commission of similar crimes by the punishment they see inflicted on the guilty. If this intention is carried out the effect can easily be foreseen. Rebellion, for the sake of murder and plunder, will be chronic amongst the native tribes until they disappear, victims to that over-indulgent system which has worked them such evil as a race, and now, at the eleventh hour, menaces their very existence,

The acts of the Assembly are in accordance with the views of the colonists of New Zealand, and, as we have said, they coincided exactly with his Excellency's on the 29th August last. Whence this change therefore? Have the rebels shown a more conciliatory spirit since then? Has it appeared from their acts and declaration that they are less hostile than formerly; and does it now appear in very deed that the king movement is an "aspiration after law and order" by the native chiefs, in lieu of their most personal influence, instead of an organisation of "the badly disposed natives," which would end in the native king of their election "turning his arms against his brother chiefs, and rendering the Northern island, from end to end, one large scene of murderous warfare," as Sir George Grey has so truthfully described it? If so, then we must have been both blind and deaf. We had imagined that the natives were as evil-disposed as ever; that they refused to submit to any terms, alleging that it was time enough to come to our terms when we had defeated them; and that they were determined to carry on the contest until one or other race was forced to succumb.

Under these circumstances, therefore, the policy advocated by his Excellency last August ought to be his policy now, if he cares anything for the welfare of the colony, or has a lively desire to repress violence and crime. If his Excellency has a fancy for condoning treason and winking at murder he will doubtless change his views, for these crimes have occurred in New Zealand, and will occur again, unless the Acts of confiscation and settlement passed by the Assembly are honestly carried out.

These despatches are important in another respect. The philo-Maories endeavour to make out that the natives are badly treated, and one of the English organs (the *Guardian*) a well-known High Church paper, has recently declared that the Governor had not energy enough to withstand the pressure which was brought to bear upon him by his Ministers, and certain people in Queen-street, contractors, and others; that, in fact, confiscation was forced upon him. This is not the case, it will be seen. The king natives of Waikato, as Sir George Grey clearly proves, were the aggressors; they actually made an attack upon Auckland; they levied war with the avowed intent of driving the Europeans into the sea; they ordered the Taranaki massacres, and they murdered men, women, and children in cold blood near Auckland. Instead of being driven from their settlements near the capital at the point of the bayonet, as the philo-Maories allege, they were treated with the utmost consideration, their removal being ordered by his Excellency as a necessary precaution, for it was known they had harboured evil-disposed persons from Waikato, and intended joining them in the slaughter of the settlers between Drury and Auckland.

We commend a careful perusal of the despatches to which we have alluded. It will appear that there must be secret influences at work to twist his Excellency from his purpose (and that the only one which his fertile brain could devise at all equal to the emergency), and lead him to play fast-and-loose with the lives and property of the colonists, and lend his countenance to proceedings which may imperil the credit of the colony through its being pledged to carry out a policy of which he was the prime author and commender, but which he now repudiates.

NO. 72.—COPY OF DESPATCH FROM GOVERNOR SIR GEORGE GREY, K.C.B., TO HIS GRACE THE DUKE OF NEWCASTLE, K.G.

Auckland, New Zealand, July 4, 1863.

My Lord Duke,—I have the honour to transmit copies of letters named in the margin,* which I have received from various persons warning me of the present intentions of the natives inhabiting the district which borders the Waikato River, and which adjoins the most populous and wealthy part of the province of Auckland. These letters are selected as coming from the most trustworthy sources, but I have received much additional information all to the same purport.

2. It has now been clearly proved that some of the chiefs of Waikato ordered the recent murders at Taranaki, and that, being thus responsible for them, they are determined to carry out the orders which they issued. For this purpose they are quite prepared to attack this populous district, and even to commit similar murders here.

3. I have, however, arranged with the Lieutenant-General a plan of operations, which will, I trust, not only effectually protect the Auckland district and its inhabitants from the dangers which threaten at this moment, but will also have the effect of placing this part of New Zealand in a state of permanent security.

4. Most fortunately the head-quarters of the 2nd battalion of the 18th Royal Irish arrived here yesterday morning, after an unusually quick passage. Nothing could have been more opportune than this event. After consultation with the Lieutenant General, I find the force at his disposal is still so small that it would be imprudent to allow the 65th Regiment to leave the colony during the existing crisis. In conformity, therefore, with the terms of my despatch, No. 44, of 9th May, applying for reinforcements, the 65th Regiment, will, for the present, be detained in New Zealand, but they shall not be detained a day longer than is absolutely necessary.—I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

* Letter from Venerable Archdeacon Maunsell, enclosing letter from Hote Tarawhiti, written from Rewhitu, June 16, 1863; letter from Rev. Mr. Ashwell to the Bishop of New Zealand, June 23; letter from Rev. C. H. Schnackenberg, Kawhia; letter from Hamiora Ngaperi to Rev. Thomas Buddle; letter from Major Speedy, R.M., Mauku, July 4.

NO. 84.—COPY OF DESPATCH FROM GOVERNOR SIR GEORGE GREY, K.C.B., TO HIS GRACE THE DUKE OF NEWCASTLE, K.G.

My Lord Duke,—In the despatches noted in the margin, I have inclosed to your Grace copies of various papers showing the dangerous attitude the leading chiefs of Waikato had assumed in regard to the European population, and how rapidly their plans for a general war are being matured.

2. Unfortunately those chiefs had considerable numbers of their relatives and adherents living on different tracts of land in the midst of the most prosperous European settlements in this district, and these people had amongst them some of the most turbulent natives in this part of the country, who were the instigators of the proceedings that were being taken against the European race.

3. It was impossible to leave a strong, disaffected population, well armed (many of whom were known to be bent on plans of violence and murder), in rear of the general and of the troops, when they occupied the frontier for the purpose of preventing armed bands from falling upon the out-settlements.

4. I hoped, however, that from so many of the Waikato natives who resided in our vicinity having for years lived amongst the European population, and having received so many acts of kindness from them and from the Government, that, at least, a large number of them would be well disposed towards us, and might be won over from taking part against us.

5. I therefore had a notice, a copy of which I have the honour to inclose, issued and taken round by officers of the Government to the different settlements inhabited by disaffected Waikato natives, calling upon them to take the oath of allegiance to the Queen, and to give up their arms until the disturbance had terminated, or else retire up the Waikato.

6. It was found, when this notice was issued, that considerable numbers of the natives had already left their settlements and gone over to the enemy, and that large numbers of the remainder were preparing to do so: and, I regret to add that, although the most friendly efforts were made to induce them to comply with the terms of the notice, nearly all of those natives who were left at the different settlements went off and joined the enemy, a course of proceeding for which they were fully prepared.

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

NO. 109.—COPY OF DESPATCH FROM GOVERNOR SIR GEORGE GREY, K.C.B., TO HIS GRACE THE DUKE OF NEWCASTLE, K.G.

Auckland, New Zealand, August 29th, 1863.

My Lord Duke,—I have the honour to transmit to your Grace the copy of a memorandum I have received from my responsible advisers [Mem. from Ministers, July 31, 1863], containing the details of a plan they have formed for the introduction into this country of 5000 men, who are to hold fifty-acre farms of land under military tenure, having first performed military duties in this country, for such period as the Government may require their services.

The enclosed copy of the conditions under which these men are to be enrolled [*Gazette*, August 5th, 1863] will explain the details of the proposed plan, which is based upon that I have adopted in British Kaffraria, such differences however existing between the two plans as the totally different nature of the populations, physical aspect, soil, and climate of the two countries rendered necessary.

2. The land upon which it is proposed to locate these military settlers it is intended ultimately to take from the territories of those tribes now in arms against the Government. My responsible advisers are of opinion that the General Assembly will, under the critical circumstances of this colony, pass without hesitation the laws necessary to give legal validity to the proposed measure, and I have summoned the Assembly for the 19th October next, partly with the view of submitting this measure to that body.

3. From my reply to my responsible advisers, a copy of which is herewith transmitted, your Grace will find that I have acquiesced, until the General Assembly can meet, in the proposed arrangement, to the extent of raising 2000 men for active service in this province on the conditions named.

4. I feel certain that the chiefs of Waikato having in so unprovoked a manner caused Europeans to be murdered, and having planned a wholesale destruction of some of the European settlements, it will be necessary now to take efficient steps for the permanent security of the country, and to inflict upon those chiefs a punishment of such a nature as will deter other tribes from hereafter forming and attempting to carry out designs of a similar nature, which must in their results be so disastrous to the welfare of the native race, as well as to her Majesty's European subjects.

5. I can devise no other plan by which both of those ends can be obtained than, firstly, by providing large bodies of European settlers, strong enough to defend themselves in those natural positions in this province which will give us the entire command of it, and will convince the badly disposed natives that it is hopeless to attempt either to drive the Europeans from the country, or to place them throughout a great part of its extent under the rule and laws of a king of the native race, elected by the Maori population, who would soon turn his arms against his brother chiefs, and render the Northern island from end to end one large scene of murderous warfare; and, secondly, by taking the land on which this European population is to be settled from those tribes who have been guilty of the outrages detailed in my various despatches to your Grace. A punishment of this nature will deter other tribes from committing similar acts, when they find that it is not a question of mere fighting which they are to be allowed to do as long as they like, and then, when they please, to return to their former homes as if nothing had taken place, but that such misconduct is followed by the forfeiture of large tracts of territory which they value highly, whilst their own countrymen will generally admit that the punishment is a fair and just one, which the Waikato chiefs have well deserved.—I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

MERCANTILE AND MONEY ARTICLE.

THURSDAY EVENING.

THE amount of Customs' duties paid to-day is as follows:—

	£	s.	d.
Brandy	212	0	4
Gin	150	1	7
Whisky	17	4	6
Rum	186	4	0
Wine	20	12	6
Ale, porter, and beer (in wood)...	13	11	8
——— (in bottle) ...	3	3	4
Tobacco and snuff	158	16	0
Cigars	12	11	3
Coffee and chicory	20	7	8
Sugar, unrefined	400	0	0
Opium	35	0	0
Pilotage	4	10	8
Total	£1214	3	6

Messrs. Mort and Co. held to-day their weekly sale of wool and sheepskins. The wool market was very firm, the late news from England of the result of the May sales having induced buyers to operate at higher rates. The quantity of wool offered, however, was very small—only 73 bales—and not sufficient to test prices. The principal lots were 24 bales of grease: Bell over JMB 10½d.; 10 bales, PB&Co., 9½d.; 6 bales, ditto, 9¼d.; 5 bales of scoured, C&Co., 2s. 0½d. Prices ranged thus:—Fleece, 1s. 5½d. to 1s. 6½d.; grease, 9½d. to 10½d.; scoured, 18½d. to 2s. 0½d.; locks, 7d. to 8½d. Sheepskins were very firm, and caused much competition amongst the fellmongers. About 4000 sheepskins were disposed of at from 6½d. to 9d. per lb. A lot of lambs' skins brought 10½d. per lb.

From Melbourne we have papers to the 9th instant. The *Argus* says:—

> Very little business was done in the import market to-day. The June mail from England is due here on the 11th instant, and the probability of news being to hand by telegram from Adelaide within a few hours has assisted to increase the prevailing dulness. The few sales made were merely trade parcels, and do not affect quotations. In tobacco, however, some little excitement was occasioned by the receipt of a telegram from Sydney, stating that news had reached San Francisco to the effect that on the 4th of June the United States Senate had passed the new Taxing bill, by which an export duty of 35 cents per lb. had been placed on tobacco. This report led to some business, at an advance of from 4½d to 5½d per lb. It is still doubtful, however, whether the tax on tobacco applies to exports. The title of the bill leads to the impression that the new tariff affects only articles intended for home consumption. A very large sale of tobaccos by auction took place at the rooms of Messrs John Levy and Sons. There was a very large attendance of the trade, and 893 packages changed hands, representing about £18,000. The lots were as follows, those marked with all faults, the rest bulk seen and approved of:—Twist—25 half-tierces, St. George's, 3s; 5 do., Skylark, 2s 10½d; 7 ditto, Orion, 2s 2d; 5 ditto, Barratt's 2s 9½d; 2 ditto, Ben Morrill, 1s 5d. Tens—350 three-quarter boxes tens, Bradley's, 1s 1½d; 100 three-quarter boxes tens, Diamond, 1s 9½d; 100 three-quarter boxes tens, Hunter's, 1s 7½d. Aromatic Pounds—22 three-quarter boxes, Constellation, 2s 3d; 63 three-quarter boxes Jackson's, 2s 8½d; 20 three-quarter boxes aromatic pounds, 2s 6d; 43 ditto, 1s 6d, extra fine quality. Twist—17 quarter-tierces, Australian, 2s 7½d, all faults; 35 ditto, ditto, 2s 8½d, sound; 11 cases, Sommer "400," Half-pounds—200 three-quarter boxes, Ottawa, 1s 6½d to 1s 8d. A small parcel of Mauritius sugars, lying on the wharf, was disposed of at very fair rates, considering their condition. A considerable parcel of tea changed hands at a price which has not transpired. Marett's brandy is inquired for, and sales were made at an advance on recent prices; in the morning, a parcel of Tasmanian flour was quitted at ... but the slight tendency towards improvement was ... checked by the telegraphic news of the arrival of the Golden ... Sydney, from San Francisco, with 11,000 sacks of flour and ... sacks of wheat. It is probable half-sacks, or 100 lb. bags, ... meant. This vessel was not looked for by the public, and as ... news is to the effect that the harvest was safe, and breadstuffs falling in price, it has put an end for the present to business.
>
> The clearances of gold during the week have amounted to 19,624 oz., making the total shipments since the commencement of the year, 1,086,889 oz.; of which quantity, 941,[illegible] oz. were the produce of Victoria, and 145,019 oz. transhipments from New Zealand. The shipments made hence during the corresponding period of last year were 936,808 oz. of Victorian gold and 169,857 oz. of New Zealand gold, giving a total of 1,10[illegible]

FUNERAL.—The Friends of Mr. JAMES BA... LETT are invited to attend the Funeral of ... deceased Sister-in-Law, ELIZA GRIFFIN; to ... from his residence, No. 3, Nelson-place, Pipe... Paddington, THIS AFTERNOON, at half-past 1 o'c... C. KINSELA and SON, undertakers, Sussex-street ... South Head Road.

FUNERAL.—The Friends of the late Mr. JOSE... CARRIER are respectfully requested to attend ... Funeral; the procession to move from his late ... Clarence-street North, on SUNDAY AFTERNOON, ... 3 o'clock. REUBEN THOMAS, undertaker, 141, ... street, near the Wesleyan chapel.

A. O. R. F.—COURT UNITY, 432.—Officers ... brothers of the order are earnestly requested to ... the Funeral of our deceased Brother, JOSEPH CA... RIER, on SUNDAY, the 14th of August; procession ... move from Mrs. Gordon's. Further notice on Saturday.
DAVID KIDD, P.C.R.
W. C. GRANT, Secretary.

ANCIENT ORDER OF ROYAL FORESTERS Supreme Court.—The Officers and Brothers of ... various Courts are requested to attend the FUNERAL ... our deceased Brother, JOSEPH CARRIER, of Co... Unity; to meet at Mrs. Gordon's, Travellers' Rest, ... of Market and Castlereagh streets, on SUNDAY ... 14th instant, at 2 p.m. sharp. By order of ... M. W. S. C. R., W. Wilson, JOHN HAMPTON, Supreme Secretary.

NOTICE.—Advertisements intended for publication in Monday's issue of this journal must be left at ... office before 11 p.m. on SATURDAY. No advertisements will be received on Sunday.
JOHN FAIRFAX and SONS.
Sydney Morning Herald, April 7.

W H I T E C H A P E L

Why are the Butchers' prices raised?
M'CARROLL would ask why—
In common conscience he would say
Already they're too high.

And only for M'CARROLL'S shops,
Whose prices keep them down,
The Sydney folks would have to pay
Just twice the price in town.

He buys fat bullocks cheap enough,
The Butchers, so do they,
To sell their meat at half the price,
And then to make it pay.

The public, though, a safeguard have,
Their faithful servant, "PHIL";
He long has kept the prices down,
And down he'll keep them still.

Free trade we'll have in butchering,
The best man let him crow!
M'CARROLL stands the champion,
That all the Butchers know.

The people, then, shall not be made
A double price to pay;
He ever will protect them,
And see they have fair play.

And while M'CARROLL rules the trade,
Their interests he'll defend
And guard them from all overcharge,
The public may depend.

LIST OF PRICES,
per lb.

Hind quarter of mutton	3d	Fore quarter beef	..
Fore ditto ditto	.. 2d	Spice beef	..
By whole or half sheep.	2½d	Round beef, cooked	..
Mutton chops	.. 3d	German sausage	..
Rump steak	.. 2½d	Black pudding	..
Beef steak	.. 1d	Beef sausage	..
Boiling beef	.. 1d	Pork ditto	..
Corned beef	.. 1d	Veal	..
Best ribs of roast beef	.. 2d	Pork	..
Chuck ribs of roast beef	1½d	Suet	..
Sirloin ditto	.. 2½d	Ox Tongues, 1s 3d each	
Hind quarter beef	.. 1½d		

PHILIP M'CARROLL.
Whitechapel Market, Botany Road, Redfern; William-street, Woolloomooloo; and Parramatta-street, nearly opposite Newtown Road.

JUST RECEIVED, a large supply of the following valuable French Medicines—
Syrup of horse-radish iodised
Solution of pyro-phosphate of iron and soda
Matico capsules and injection
Syrup of hypophosphite of lime
Elixir of pepsine, &c.
J. HAMILTON, chemist, Chippendale.

MATICO CAPSULES, Matico Injections, ... Phosphite of Iron, Elixir of Pepsine, Iodised Syrup of Horseradish, Syrup of Hypophosphite of Lime, ... A. G. WILKINSON, chemist, No 7, Hunter-street.

SPERM CANDLES, full weight and sound, 10d ... the box
Flour, the best quality, 3½d. per lb.
Currants, new, 3½d. per lb.
Tobacco, best colonial make, 2d. fig, or 1s. 9d. per lb.
JOHN WOODS, 511, George-street, near the ... Gate.

DRAUGHT HORSE for SALE, a staunch ... horse, good in any harness, perfectly quiet and ... will take a ton anywhere; day's trial. Price ... GIBSON'S Horse Depot, 253, Castlereagh-street.

AMERICAN Express WAGGON for Sale; also, ... Horses and Harness. GIBSON'S Depot, 253, Castlereagh-street.

FOR SALE, a Pair first-class SCOTCH TERRIERS, good ratters. GIBSON'S Depot, Castlereagh-street.

NEWPORT Pagnell Cart, new, £13; set harness £3 10s. GIBSON'S Depot, 253, Castlereagh-street.

LIGHT TIP-DRAY and Harness, cheap. GIBSON'S, next Burt's, 253, Castlereagh-street.

FOR SALE, a good Saddle MARE. Price ... WRIGHT and SMITH, 436, George-street.

FOR SALE, the best PONY in Sydney, in saddle or buggy. 68, William-street, Woolloomooloo.

FOR SALE, Counter and Fittings, Beam Scales, Brass Weights. Norton and Campbell streets, Glebe.

FOR SALE, HORSE, Cart, and Harness, nearly new. S. ARNOLD, Shepherd-st, Darlington. A trial given.

STATIONS for SALE.—Two Stations, on Peak Downs, really first-class. And several other valuable properties in Queensland, in full working. Also, some stocked country, in New South Wales.
Apply to HENRY BEIT, 5, Wynyard-street.

DESIRABLE FREEHOLD ESTATE, AUCKLAND, NEW ZEALAND, FOR SALE.—The valuable estate of HENDERSON'S MILL, containing 10,000 acres, situate on the western side of the Waitemata (within ten miles of Auckland), having fifteen miles of available water frontage to the harbour and the great road, passing through the centre of the property.
The arable land is of excellent quality, adapted for the growth of all kinds of crops, and consists of about ... acres, a considerable portion being fenced and in permanent grass; the remaining 5000 acres, in bush, abounding in kauri, rimu, and other valuable timber.
The buildings upon the estate include a saw-mill, in perfect working order either by water or steam power, turning out 50,000 feet per week; a suitable residence for manager, house accommodation for one hundred ... store, farm building, granary, stables, cow-sheds, ... yards, and numerous outbuildings.
In offering the estate for sale the proprietor is prepared to satisfy capitalists or joint stock companies that, irrespective of the great advantages which the property possesses for sub-division into farms and villa sites, commanding views of the most picturesque description, a large and profitable return can be realised from the sale of timber now growing upon the property.
Offers will be received up to the 1st September, ... then disposed of in one lot, the estate will be sub-divided and sold by auction at an early date.
Title—Crown grant.
Further information may be obtained by application to HENDERSON and MACFARLANE,
WILLIAM AITKEN,
Land agents, Auckland;
or to
LAIDLEY, IRELAND, and Co.
Lloyd's Chambers.

SYDNEY MORNING HERALD.
SUBSCRIPTION—£4 per annum; if sent through the Post Office, £4 10s. per annum.

CASH TERMS OF ADVERTISING.

Two lines, and under	..	One shilling.
Four lines, ditto	..	Two shillings.
Six lines, ditto	..	Three shillings.
Eight lines, ditto	..	Four shillings.
Ten lines, ditto	..	Five shillings.

And 3d. (three pence) per line for every additional line each insertion.
** All advertisements under six lines will be charged 2s. to advertisers' account, if booked.
Births, Deaths, and Marriages, 2s. each insertion.
N.B.—Advertisers in the country can remit payment by Money Order or Postage Stamps.

SYDNEY:—Printed and Published by JOHN FAIRFAX and SONS, at the Office of the *Sydney Morning Herald*, Pitt and Hunter streets, Friday, August 12th, 1864.